8-8-2018

State v. Farrell Clerk's Record Dckt. 46095

IN THE SUPREME COURT OF THE STATE OF IDAHO

State of Idaho Plaintiff-Respondent, vs. Jacob David Farrell Defendant-Appellant.	Supreme Court Case No. 46095

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Second Judicial District,
in and for the County of Nez Perce

HONORABLE JAY P. GASKILL

Eric D. Fredericksen
State Appellate Public Defender
Attorney for Appellant
322 East Front Street Suite 570
Boise, Idaho 83702

Lawrence G. Wasden
Attorney General
Attorney for Respondent
PO Box 83720
Boise, Idaho 83720-0010

NEZ PERCE COUNTY DISTRICT COURT

CASE SUMMARY

CASE NO. CR-2017-2016

State of Idaho	§		
vs.	§	Location:	**Nez Perce County District Court**
Jacob David Farrell	§	Judicial Officer:	**Gaskill, Jay P.**
	§	Filed on:	**04/11/2017**
	§	Appear by:	**03/06/2018**
	§	Case Number History:	
	§	Appellate Case Number:	**46095**
		Police Reference Number:	**17-L4201**

CASE INFORMATION

Offense	**Statute**	**Deg**	**Date**	Case Type: **Criminal**
Jurisdiction: **Lewiston City Police Department**				
1. Drug-Trafficking in Heroin (2 grams to Less Than 7 grams) TCN: ID3501034327	I37-2732B(a)(6)(A)	FEL	03/28/2017	
Filed As: Controlled Substance-Possession of	FEL	4/11/2017		

Warrants

Arrest Warrant - Farrell, Jacob David (Judicial Officer: Clerk, Magistrate Court)

07/27/2017 Warrant Returned Served
04/12/2017 Outstanding Arrest Warrant
Fine: $0
Bond: $10000

Bonds

Surety Bond #SS-15-31403 $10,000.00
10/24/2017 Posted
Counts: 1

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	CR-2017-2016
Court	Nez Perce County District Court
Date Assigned	09/26/2017
Judicial Officer	Gaskill, Jay P.

PARTY INFORMATION

		Lead Attorneys
State	**State of Idaho**	**Coleman, Justin J.** 208-799-3073(W)
Defendant	**Farrell, Jacob David**	**Cuddihy, Richard M.** *Public Defender* 208-746-0103(W) **Cuddihy, Rick PD** *Public Defender* 208-746-0103(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
04/12/2017	Prosecutor Assigned Party: Defendant Farrell, Jacob David *Prosecutor Assigned NEZ PERCE COUNTY PROSECUTOR*	
04/12/2017	Prosecutor Assigned Party: Defendant Farrell, Jacob David *Prosecutor Assigned Justin J. Coleman*	

04/12/2017	Affidavit of Probable Cause Party: Defendant Farrell, Jacob David *Affidavit Of Probable Cause*
04/12/2017	Criminal Complaint Party: Defendant Farrell, Jacob David *Criminal Complaint*
04/12/2017	Warrant/Det Order Issued - Arrest Party: Defendant Farrell, Jacob David *Warrant Issued - Arrest Bond amount: 10000.00 Defendant: Farrell, Jacob David*
04/12/2017	Case Sealed Party: Defendant Farrell, Jacob David *Case Sealed*
04/12/2017	Status Changed Party: Defendant Farrell, Jacob David *Case Status Changed: Inactive*
04/12/2017	Probable Cause Order *Judge's Finding of Probable Cause for Warrant of Arrest*
04/12/2017	Initial Appearance *Data Sheet*
07/27/2017	Arraignment Party: Defendant Farrell, Jacob David *Arraignment / First Appearance*
07/27/2017	Case Un-sealed Party: Defendant Farrell, Jacob David *Case Un-sealed*
07/27/2017	Advisement of Rights Party: Defendant Farrell, Jacob David *Notification Of Rights-felony*
07/27/2017	Notice of Hearing Party: Defendant Farrell, Jacob David *Notice Of Hearing*
07/27/2017	Order Appointing Public Defender Party: Defendant Farrell, Jacob David *Defendant: Farrell, Jacob David Order Appointing Public Defender Public defender Magyar, Rauch & Associates PD 2017*
07/27/2017	Affidavit Party: Defendant Farrell, Jacob David *Affidavit of Financial Status and Order Appointing Public Defender*
07/27/2017	Change Assigned Judge Party: Defendant Farrell, Jacob David *Change Assigned Judge*
07/27/2017	Hearing Scheduled

Party: Defendant Farrell, Jacob David
Hearing Scheduled (Preliminary Conference 08/07/2017 01:30 PM)

07/27/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Preliminary Hearing 08/09/2017 01:30 PM)

07/27/2017 Bond Set
Party: Defendant Farrell, Jacob David
Bond Set at 10000.00

07/27/2017 Warrant Returned - Served
Party: Defendant Farrell, Jacob David
Warrant Returned Defendant: Farrell, Jacob David

07/27/2017 Status Changed
Party: Defendant Farrell, Jacob David
Case Status Changed: Pending

07/27/2017 Motion to Withdraw
Party: Defendant Farrell, Jacob David
Motion To Withdraw As Public Defender (D)

07/27/2017 Court Minutes
7/27/2017

08/03/2017 Order
Party: Defendant Farrell, Jacob David
Order Granting Motion to Withdraw as Public Defender

08/03/2017 Order Appointing Public Defender
Party: Defendant Farrell, Jacob David
Defendant: Farrell, Jacob David Order Appointing Public Defender Public defender Rick Cuddihy PD 2017

08/04/2017 Request for Discovery
Party: Defendant Farrell, Jacob David
Request For Discovery-defendant

08/07/2017 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: 3;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Preliminary Conference;
MINUTES CLERK: Brittany Davenport;
PROSECUTOR: Shane Andrews;
START TIME: 08/07/2017 2:30PM
STOP TIME: 08/07/2017 2:31PM
ENTRY BY: BDAVENPORT;
LAST UPDATE BY: BDAVENPORT;

08/07/2017 Minute Entry
Party: Defendant Farrell, Jacob David
Minute Entry
Hearing type: Preliminary Conference
Hearing date: 8/7/2017
Time: 2:30 pm

Courtroom:
Court reporter:
Minutes Clerk: Brittany Davenport
Tape Number: 3
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Shane Andrews

08/07/2017 Notice of Hearing
Party: Defendant Farrell, Jacob David
Notice Of Hearing

08/07/2017 Continued
Party: Defendant Farrell, Jacob David
Hearing result for Preliminary Conference scheduled on 08/07/2017 01:30 PM: Continued

08/07/2017 Continued
Party: Defendant Farrell, Jacob David
Hearing result for Preliminary Hearing scheduled on 08/09/2017 01:30 PM: Continued

08/07/2017 Response to Request for Discovery
Party: Defendant Farrell, Jacob David
Response To Request For Discovery-plaintiff

08/07/2017 **Preliminary Hearing** (1:30 PM) (Judicial Officer: Evans, Michelle M.)
Hearing result for Preliminary Conference scheduled on 08/07/2017 01:30 PM: Continued

08/07/2017 Waiver of Time for Preliminary Hearing

08/08/2017 Change Assigned Judge
Party: Defendant Farrell, Jacob David
Change Assigned Judge

08/08/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Preliminary Conference 08/21/2017 01:30 PM)

08/08/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Preliminary Hearing 08/23/2017 01:30 PM)

08/09/2017 **Preliminary Hearing** (1:30 PM) (Judicial Officer: Evans, Michelle M.)
Hearing result for Preliminary Hearing scheduled on 08/09/2017 01:30 PM: Continued

08/14/2017 Response to Request for Discovery
Party: Defendant Farrell, Jacob David
First Supplemental Response To Request For Discovery-plaintiff

08/21/2017 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: ctrm 3;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Preliminary Conference;
MINUTES CLERK: Evans;
PROSECUTOR: Justin Coleman;
START TIME: 08/21/2017 2:17PM
STOP TIME: 08/21/2017 2:19PM
ENTRY BY: DONNA;
LAST UPDATE BY: DONNA;

08/21/2017	Hearing Held Party: Defendant Farrell, Jacob David *Hearing result for Preliminary Conference scheduled on 08/21/2017 01:30 PM: Hearing Held*
08/21/2017	Minute Entry Party: Defendant Farrell, Jacob David *Minute Entry* *Hearing type: Preliminary Conference* *Hearing date: 08/21/2017* *Time: 2:17 pm* *Courtroom:* *Court reporter: None* *Minutes Clerk: Evans* *Tape Number: ctrm 3* *Defense Attorney: Rick Cuddihy PD 2017* *Prosecutor: Justin Coleman*
08/21/2017	Change Assigned Judge Party: Defendant Farrell, Jacob David *Change Assigned Judge*
08/21/2017	Hearing Scheduled Party: Defendant Farrell, Jacob David *Hearing Scheduled (Preliminary Conference 08/28/2017 01:30 PM)*
08/21/2017	Continued Party: Defendant Farrell, Jacob David *Continued (Preliminary Hearing 08/30/2017 01:30 PM)*
08/21/2017	**Preliminary Hearing** (1:30 PM) (Judicial Officer: Merica, Kent J.) *Hearing result for Preliminary Conference scheduled on 08/21/2017 01:30 PM: Hearing Held*
08/21/2017	Notice of Hearing
08/28/2017	Hearing Held Party: Defendant Farrell, Jacob David *Hearing result for Preliminary Conference scheduled on 08/28/2017 01:30 PM: Hearing Held*
08/28/2017	**Preliminary Hearing** (1:30 PM) (Judicial Officer: Evans, Michelle M.) *Hearing result for Preliminary Conference scheduled on 08/28/2017 01:30 PM: Hearing Held*
08/28/2017	Court Minutes *8/28/2017*
08/30/2017	Continued Party: Defendant Farrell, Jacob David *Hearing result for Preliminary Hearing scheduled on 08/30/2017 01:30 PM: Continued*
08/30/2017	Notice of Hearing Party: Defendant Farrell, Jacob David *Notice Of Preliminary Hearing*
08/30/2017	Hearing Scheduled Party: Defendant Farrell, Jacob David *Hearing Scheduled (Preliminary Hearing 09/13/2017 01:30 PM)*
08/30/2017	**Preliminary Hearing** (1:30 PM) (Judicial Officer: Evans, Michelle M.) *Hearing result for Preliminary Hearing scheduled on 08/30/2017 01:30 PM: Continued*

08/30/2017 Court Minutes
8/30/2017

08/31/2017 Change Assigned Judge
Party: Defendant Farrell, Jacob David
Change Assigned Judge

08/31/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Preliminary Conference 09/11/2017 01:30 PM)

09/11/2017 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: 3;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Preliminary Conference;
MINUTES CLERK: Brittany Davenport;
PROSECUTOR: Shane Andrews;
START TIME: 09/11/2017 2:19PM
STOP TIME: 09/11/2017 2:20PM
ENTRY BY: BDAVENPORT;
LAST UPDATE BY: BDAVENPORT;

09/11/2017 Hearing Held
Party: Defendant Farrell, Jacob David
Hearing result for Preliminary Conference scheduled on 09/11/2017 01:30 PM: Hearing Held

09/11/2017 Minute Entry
Party: Defendant Farrell, Jacob David
Minute Entry
Hearing type: Preliminary Conference
Hearing date: 9/11/2017
Time: 2:19 pm
Courtroom:
Court reporter:
Minutes Clerk: Brittany Davenport
Tape Number: 3
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Shane Andrews

09/11/2017 **Preliminary Hearing** (1:30 PM) (Judicial Officer: Merica, Kent J.)
Hearing result for Preliminary Conference scheduled on 09/11/2017 01:30 PM: Hearing Held

09/13/2017 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: 3;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Preliminary Hearing;
MINUTES CLERK: Gabi Garcia;
PROSECUTOR: Justin Coleman;
START TIME: 09/13/2017 1:35PM
STOP TIME: 09/13/2017 1:36PM
ENTRY BY: GABIG;
LAST UPDATE BY: GABIG;

09/13/2017 Continued
Party: Defendant Farrell, Jacob David
Hearing result for Preliminary Hearing scheduled on 09/13/2017 01:30 PM: Continued

09/13/2017	Hearing Scheduled Party: Defendant Farrell, Jacob David *Hearing Scheduled (Preliminary Conference 09/18/2017 01:30 PM)*
09/13/2017	Change Assigned Judge Party: Defendant Farrell, Jacob David *Change Assigned Judge*
09/13/2017	Hearing Scheduled Party: Defendant Farrell, Jacob David *Hearing Scheduled (Preliminary Hearing 09/20/2017 01:30 PM)*
09/13/2017	Minute Entry Party: Defendant Farrell, Jacob David *Minute Entry* *Hearing type: Preliminary Hearing* *Hearing date: 9/13/2017* *Time: 1:35 pm* *Courtroom:* *Court reporter:* *Minutes Clerk: Gabi Garcia* *Tape Number: 3* *Defense Attorney: Rick Cuddihy PD 2017* *Prosecutor: Justin Coleman*
09/13/2017	**Preliminary Hearing** (1:30 PM) (Judicial Officer: Merica, Kent J.) *Hearing result for Preliminary Hearing scheduled on 09/13/2017 01:30 PM: Continued*
09/13/2017	Notice of Hearing
09/18/2017	Court Minutes Party: Defendant Farrell, Jacob David *AUDIO TAPE NUMBER: 3;* *DEFENSE ATTORNEY: Rick Cuddihy PD 2017;* *HEARING TYPE: Preliminary Conference;* *MINUTES CLERK: Donna Evans;* *PROSECUTOR: Justin Coleman;* *START TIME: 09/18/2017 2:14PM* *STOP TIME: 09/18/2017 2:15PM* *ENTRY BY: GABIG;* *LAST UPDATE BY: GABIG;*
09/18/2017	Continued Party: Defendant Farrell, Jacob David *Hearing result for Preliminary Conference scheduled on 09/18/2017 01:30 PM: Continued*
09/18/2017	Continued Party: Defendant Farrell, Jacob David *Hearing result for Preliminary Hearing scheduled on 09/20/2017 01:30 PM: Continued*
09/18/2017	Change Assigned Judge Party: Defendant Farrell, Jacob David *Change Assigned Judge*
09/18/2017	Hearing Scheduled Party: Defendant Farrell, Jacob David *Hearing Scheduled (Preliminary Conference 09/25/2017 01:30 PM)*

09/18/2017	Hearing Scheduled Party: Defendant Farrell, Jacob David *Hearing Scheduled (Preliminary Hearing 09/27/2017 01:30 PM)*
09/18/2017	Minute Entry Party: Defendant Farrell, Jacob David *Minute Entry* *Hearing type: Preliminary Conference* *Hearing date: 9/18/2017* *Time: 1:08 pm* *Courtroom:* *Court reporter:* *Minutes Clerk: Donna Evans* *Tape Number:* *Defense Attorney: Rick Cuddihy PD 2017* *Prosecutor: Justin Coleman*
09/18/2017	**Preliminary Hearing** (1:30 PM) (Judicial Officer: Evans, Michelle M.) *Hearing result for Preliminary Conference scheduled on 09/18/2017 01:30 PM: Continued*
09/18/2017	Notice *Of Preliminary Conference and Preliminary Hearing*
09/18/2017	Notice of Hearing
09/20/2017	**Preliminary Hearing** (1:30 PM) (Judicial Officer: Evans, Michelle M.) *Hearing result for Preliminary Hearing scheduled on 09/20/2017 01:30 PM: Continued*
09/25/2017	Preliminary Hearing Waived (Bound Over) Party: Defendant Farrell, Jacob David *Hearing result for Preliminary Conference scheduled on 09/25/2017 01:30 PM: Preliminary Hearing Waived (bound Over)*
09/25/2017	Change Assigned Judge Party: Defendant Farrell, Jacob David *Change Assigned Judge*
09/25/2017	Hearing Vacated Party: Defendant Farrell, Jacob David *Hearing result for Preliminary Hearing scheduled on 09/27/2017 01:30 PM: Hearing Vacated*
09/25/2017	Hearing Scheduled Party: Defendant Farrell, Jacob David *Hearing Scheduled (Arraignment 09/28/2017 01:30 PM)*
09/25/2017	*CANCELED* **Preliminary Hearing** (1:30 PM) (Judicial Officer: Kalbfleisch, Gregory K.) *Vacated* *Hearing result for Preliminary Conference scheduled on 09/25/2017 01:30 PM: Preliminary Hearing Waived (bound Over)*
09/25/2017	Court Minutes
09/26/2017	Notice of Hearing
09/26/2017	Order Binding Defendant Over to District Court
09/27/2017	Information Filed Party: Defendant Farrell, Jacob David *Information*

09/27/2017 *CANCELED* **Preliminary Hearing** (1:30 PM) (Judicial Officer: Kalbfleisch, Gregory K.)
Vacated
Hearing result for Preliminary Hearing scheduled on 09/27/2017 01:30 PM: Hearing Vacated

09/28/2017 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: CRTRM 1;
COURT REPORTER: Nancy Towler;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Arraignment;
MINUTES CLERK: TERESA;
PROSECUTOR: April Smith;
START TIME: 09/28/2017 2:15PM
STOP TIME: 09/28/2017 2:18PM
ENTRY BY: TERESA;
LAST UPDATE BY: TERESA;

09/28/2017 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Farrell, Jacob David
Hearing result for Arraignment scheduled on 09/28/2017 01:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

09/28/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Jury Trial 01/08/2018 09:00 AM)

09/28/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Final Pretrial 12/28/2017 02:30 PM)

09/28/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Pretrial Motions 12/14/2017 02:30 PM)

09/28/2017 Minute Entry
Party: Defendant Farrell, Jacob David
Minute Entry
Hearing type: Arraignment
Hearing date: 9/28/2017
Time: 2:15 pm
Courtroom:
Court reporter: Nancy Towler
Minutes Clerk: TERESA
Tape Number: CRTRM 1
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: April Smith

09/28/2017 **Arraignment** (1:30 PM) (Judicial Officer: Gaskill, Jay P.)
Hearing result for Arraignment scheduled on 09/28/2017 01:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

10/03/2017 Order
Setting Jury Trial and Scheduling Proceedings

10/05/2017

Request for Discovery
Party: Defendant Farrell, Jacob David
Request For Discovery-State

10/23/2017 Bond Posted - Surety
Bond Posted - Surety (Amount 10000.00)

11/09/2017 Motion
Party: Defendant Farrell, Jacob David
Motion to Suppress

12/07/2017 Objection
State's Objection to Motion to Suppress Evidence

12/14/2017 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: CRTRM 1;
COURT REPORTER: Nancy Towler;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Pretrial Motions;
MINUTES CLERK: TERESA;
PROSECUTOR: April Smith;
START TIME: 12/14/2017 2:34PM
STOP TIME: 12/14/2017 2:36PM
ENTRY BY: TERESA;
LAST UPDATE BY: TERESA;

12/14/2017 Affidavit
Party: Defendant Farrell, Jacob David
Affidavit of Richard M. Cuddihy

12/14/2017 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Farrell, Jacob David
Hearing result for Pretrial Motions scheduled on 12/14/2017 02:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

12/14/2017 Minute Entry
Party: Defendant Farrell, Jacob David
Minute Entry
Hearing type: Pretrial Motions
Hearing date: 12/14/2017
Time: 2:34 pm
Courtroom:
Court reporter: Nancy Towler
Minutes Clerk: TERESA
Tape Number: CRTRM 1
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: April Smith

12/14/2017 **Pre-trial Motions** (2:30 PM) (Judicial Officer: Gaskill, Jay P.)
Hearing result for Pretrial Motions scheduled on 12/14/2017 02:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

12/27/2017

Response
State's Response to Defendant's Motion to Suppress (Exhibit B is a DVD)

12/28/2017 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: CRTRM 1;
COURT REPORTER: Nancy Towler;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Final Pretrial;
MINUTES CLERK: TERESA;
PROSECUTOR: April Smith;
START TIME: 12/28/2017 2:54PM
STOP TIME: 12/28/2017 2:56PM
ENTRY BY: TERESA;
LAST UPDATE BY: TERESA;

12/28/2017 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Farrell, Jacob David
Hearing result for Final Pretrial scheduled on 12/28/2017 02:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

12/28/2017 Hearing Vacated
Party: Defendant Farrell, Jacob David
Hearing result for Jury Trial scheduled on 01/08/2018 09:00 AM: Hearing Vacated

12/28/2017 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Status Conference 01/18/2018 01:30 PM)

12/28/2017 Minute Entry
Party: Defendant Farrell, Jacob David
Minute Entry
Hearing type: Final Pretrial
Hearing date: 12/28/2017
Time: 2:54 pm
Courtroom:
Court reporter: Nancy Towler
Minutes Clerk: TERESA
Tape Number: CRTRM 1
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: April Smith

12/28/2017 **Pre Trial** (2:30 PM) (Judicial Officer: Gaskill, Jay P.)
Hearing result for Final Pretrial scheduled on 12/28/2017 02:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

01/04/2018 Affidavit
Party: Defendant Farrell, Jacob David
Affidavit of Scott Farrell--Defendant

01/05/2018 Reply
Defendant's Reply

01/08/2018 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Gaskill, Jay P.)
Vacated

Hearing result for Jury Trial scheduled on 01/08/2018 09:00 AM: Hearing Vacated

01/17/2018 Decision or Opinion
Opinion & Order on Defendant's Motion to Suppress Evidence---DENIED

01/18/2018 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: CRTRM 1;
COURT REPORTER: Nancy Towler;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Status Conference;
MINUTES CLERK: TERESA;
PROSECUTOR: April Smith;
START TIME: 01/18/2018 2:41PM
STOP TIME: 01/18/2018 2:42PM
ENTRY BY: TERESA;
LAST UPDATE BY: TERESA;

01/18/2018 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Farrell, Jacob David
Hearing result for Status Conference scheduled on 01/18/2018 01:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

01/18/2018 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Change of Plea 02/20/2018 01:30 PM) status/change plea

01/18/2018 Minute Entry
Party: Defendant Farrell, Jacob David
Minute Entry
Hearing type: Status Conference
Hearing date: 1/18/2018
Time: 2:41 pm
Courtroom:
Court reporter: Nancy Towler
Minutes Clerk: TERESA
Tape Number: CRTRM 1
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: April Smith

01/18/2018 **Status Conference** (1:30 PM) (Judicial Officer: Gaskill, Jay P.)
Hearing result for Status Conference scheduled on 01/18/2018 01:30 PM: District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

02/20/2018 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: CRTRM 1;
COURT REPORTER: Nancy Towler;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Change of Plea;
MINUTES CLERK: TERESA;
PROSECUTOR: Sandra Dickerson;
START TIME: 02/20/2018 2:22PM
STOP TIME: 02/20/2018 2:23PM

ENTRY BY: TERESA;
LAST UPDATE BY: TERESA;

02/20/2018 Continued
Party: Defendant Farrell, Jacob David
Continued (Change of Plea 03/06/2018 01:30 PM) status/change plea

02/20/2018 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Farrell, Jacob David
District Court Hearing Held
Court Reporter: Nancy Towler
Number of Transcript Pages for this hearing estimated: less than 100 pages

02/20/2018 Minute Entry
Party: Defendant Farrell, Jacob David
Minute Entry
Hearing type: Change of Plea
Hearing date: 2/20/2018
Time: 2:22 pm
Courtroom:
Court reporter: Nancy Towler
Minutes Clerk: TERESA
Tape Number: CRTRM 1
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Sandra Dickerson

03/06/2018 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: 1;
COURT REPORTER: Linda Carlton;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Change of Plea;
MINUTES CLERK: JANET;
PROSECUTOR: Sandra Dickerson;
START TIME: 03/06/2018 2:22PM
STOP TIME: 03/06/2018 2:38PM
ENTRY BY: JANET;
LAST UPDATE BY: JANET;

03/06/2018 Court Minutes
Party: Defendant Farrell, Jacob David

AUDIO TAPE NUMBER: ctrm 2;
DEFENSE ATTORNEY: Rick Cuddihy PD 2017;
HEARING TYPE: Arraignment - Regarding Amended Informati;
MINUTES CLERK: Evans;
PROSECUTOR: Justin Coleman;
START TIME: 03/06/2018 1:55PM
STOP TIME: 03/06/2018 1:59PM
ENTRY BY: DONNA;
LAST UPDATE BY: DONNA;

03/06/2018 Arraignment
Party: Defendant Farrell, Jacob David
Arraignment / First Appearance regarding amended information.

03/06/2018 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Farrell, Jacob David
District Court Hearing Held

Court Reporter:carlton
Number of Transcript Pages for this hearing estimated:less than 100 pgs

03/06/2018 Amended Complaint Filed
Party: Defendant Farrell, Jacob David
Amended Complaint Filed (I37-2732B(a)(6)(A) Drug-Trafficking in Heroin (2 grams to Less Than 7 grams))

03/06/2018 Charge Reduced Or Amended
Party: Defendant Farrell, Jacob David
Charge Reduced Or Amended

03/06/2018 Hearing Held
Party: Defendant Farrell, Jacob David
Hearing result for Change of Plea scheduled on 03/06/2018 01:30 PM: Hearing Held
status/change plea

03/06/2018 Hearing Scheduled
Party: Defendant Farrell, Jacob David
Hearing Scheduled (Sentencing 04/26/2018 01:30 PM)

03/06/2018 Amended Information
Party: Defendant Farrell, Jacob David
Amended Information

03/06/2018 Arraignment
Party: Defendant Farrell, Jacob David
Arraignment / First Appearance
(Re: Amended Information)

03/06/2018 Preliminary Hearing Waived (Bound Over)
Party: Defendant Farrell, Jacob David
Preliminary Hearing Waived (bound Over)
(Re: Amended Information)

03/06/2018 **Change of Plea** (1:30 PM) (Judicial Officer: Gaskill, Jay P.)
status/change plea
Hearing result for Change of Plea scheduled on 03/06/2018 01:30 PM: Hearing Held

03/06/2018 Minute Entry
Minute Entry
Hearing type: Change of Plea
Hearing date: 3/6/2018
Time: 2:22 pm
Courtroom:
Court reporter: Linda Carlton
Minutes Clerk: JANET
Tape Number: 1
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Sandra Dickerson

03/06/2018 Rule 11 Plea Agreement

03/06/2018 Minute Entry
Minute Entry
Hearing type: Arraignment - Regarding Amended Informati
Hearing date: 03/06/2018
Time: 1:55 pm
Courtroom:
Court reporter: None
Minutes Clerk: Evans

Tape Number: ctrm 2
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Justin Coleman

03/06/2018 **Plea** (Judicial Officer: Gaskill, Jay P.)
1. Drug-Trafficking in Heroin (2 grams to Less Than 7 grams)
   Guilty
   TCN: ID3501034327 :

03/06/2018 Waiver
PSI

03/07/2018 Order
Party: Defendant Farrell, Jacob David
Order Binding Over
(Re: Amended Information)

04/26/2018 **Sentencing** (1:30 PM) (Judicial Officer: Gaskill, Jay P. ;Location: Courtroom 1)

04/26/2018 **Disposition** (Judicial Officer: Gaskill, Jay P.)
1. Drug-Trafficking in Heroin (2 grams to Less Than 7 grams)
   Guilty
   TCN: ID3501034327 :

04/26/2018 **Sentence** (Judicial Officer: Gaskill, Jay P.)
1. Drug-Trafficking in Heroin (2 grams to Less Than 7 grams)
   Felony Sentence
   Fee Totals:

Court Costs - Felony - Drug	285.50
Fine Program - Drug	10,000.00
Public Defender Fee	500.00
Fee Totals $	10,785.50

   Confinement
   Type: State Prison
   Facility: Idaho Department of Correction
   Effective Date: 04/26/2018
   Determinate: 3 Years
   Indeterminate: 2 Years
   Comment (sentence stayed pending appeal)

04/26/2018 Court Minutes

04/26/2018 Case Final Judgment Entered

04/30/2018 Order of Restitution and Judgment
ISP Drug & Drunk Driving Account $200.00 joint/several with Katie Seubert CR17-2192 Inst #858594

05/07/2018 Order
Judgment of Conviction

05/15/2018 Notice of Appeal

05/15/2018 Motion for Appointment of Public Defender

	STATE APPELLATE	
05/15/2018	Appeal Filed in Supreme Court	
05/16/2018	Order Appointing State Appellate Public Defender	
05/18/2018	Case Summary	
05/18/2018	Clerk's Certificate of Appeal	
08/08/2018	Appeal Cover/Title Page	
08/08/2018	Clerk's Certificate of Service	
08/08/2018	Case Summary	

DATE	FINANCIAL INFORMATION	
	Defendant Farrell, Jacob David	
	Total Charges	10,985.50
	Total Payments and Credits	0.00
	Balance Due as of 8/8/2018	**10,985.50**

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

FILED
4/11/17 423 AM

IRemreds

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR17-02016 AFFIDAVIT OF PROBABLE CAUSE FOR WARRANT TO ISSUE PURSUANT TO I.C.R. 4

Comes now the undersigned Prosecuting Attorney who on oath deposes and says:

1. Affiant is a duly qualified Prosecuting Attorney with the Nez Perce County Prosecutor's Office.

2. Affiant desires that a warrant issue for the arrest of the above-named defendant for the crime(s) of: **COUNT I - POSSESSION OF A CONTROLLED SUBSTANCE, I.C.§ 37-2732(c)(1), a felony.**

3. Affiant believes probable cause exists for the issuance of this requested warrant; your affiant has attached to this Affidavit and incorporates by reference herein an accurate copy of documents on file with the Lewiston Police Department which form the basis for this request for a warrant.

J. Coleman

SUBSCRIBED and SWORN to before me this 11th day of April 2017.

JUDGE OR CLERK OF THE COURT

Law Supplemental Narrative:

Seq	Name	Date	Supplemental Narratives Narrative
6	Reese Chris R	09:03:16 04/10/17	

LEWISTON POLICE DEPARTMENT CAP SHEET AND
CASE DISPOSITION SHEET

DATE: 4.10.2017

IN CUSTODY: [XX] YES Asotin County
[ ] NO

==========

DEFENDANT:
Name: Jacob D Farrell
Address: 1865 Elm Street, Clarkston WA
Telephone: (208)305-7056
[redacted]

==========

LEWISTON POLICE DEPARTMENT CASE NUMBER: 17-L4201
OTHER AGENCIES RELATED CASE NUMBERS:
DATE OF INCIDENT: March 28, 2017
TIME OF INCIDENT: Approximately 1:50 pm

==========

CHARGES:
1. Trafficking in Heroin
2. Possession of a Schedule II Controlled Substance / Methamphetamines

==========

WITNESSES: (NAME,ADDRESS,PHONE)
1. none

==========

CO-DEFENDANTS:
1. Katie AT Seubert 1410 Cedar Avenue, Lewiston ID

==========

EVIDENCE:
1. Officer's narrative reports
2. Watch Guard video of incident
3. Photographs of contraband seized
4. Paraphernalia to include packaging material and digital scale
5. Approximately 20 grams of suspected heroin
6. Approximately .5 grams of suspected methamphetamines
7. Testimony of involved investigators

==========

SUMMARY (PROBABLE CAUSE):

Over the past few weeks, Detective Dammon has told me that Jacob D Farrell has been reportedly selling and distributing heroin for profit in the Lewiston-Clarkston area. On March 28, 2017, Detective Dammon stated that he had recent and reliable information that Jacob had just returned to Lewiston

after acquiring a large amount of heroin. He stated the vehicle that he is supposed to be driving is a silver 2006 Chevy HHR with WA plate ANN8251. He asked that if I locate the vehicle, to stop it based upon his reasonable suspicion and contact him.

At approximately 1:40 pm, I passed the above mentioned vehicle as it was heading east on Grelle Avenue. I noticed the window tint, specifically the rear windshield appeared to be darker than what's allowed by Idaho law. I stopped the vehicle in the 1700 block of Grelle Avenue based upon the equipment violation as well as Detective Dammon's reasonable suspicion.

The driver was verbally identified as Katie AT Seubert. The front seat passenger was identified as Jacob D Farrell. I informed them that I was stopping them for the equipment violation. I opted not to tell them about the drug investigation at that time. Detective Erickson, who was only a few blocks away, stopped to assist me on the traffic stop.

I noticed there was a blue "Pelican" style box in the back seat, directly behind where Jacob was seated. It was closed. After obtaining the vehicle documents, I provided Communications the occupants information. While waiting for their returns, I checked the window tint on the rear windshield and found it registered 25%, which is in violation of Idaho law. I handed Detective Erickson my citation book and asked that he fill out a citation for the equipment violation. While he was doing this, I obtained the K-9 as it was my intent on deploying the drug dog around the vehicle for the presence of drug odor. As I was walking up to the vehicle with the K-9 on lead, Jacob jumped out of the vehicle and started to argue with me over deploying the dog. After a brief moment, I was able to get Jacob to sit back down in the vehicle and the K-9 was deployed.

The K-9 deployment resulted in an alert for the presence of drug odor. This alert was consistent with past alerts where narcotics have been located or have been recently.

After kenneling the K-9, I had Jacob step out of the vehicle. As he did, I noted the blue case that was originally in the back seat, was now in the front floorboard, right at Jacob's feet. It was also open. I read Jacob his rights per Miranda. Under Miranda, Jacob admitted the blue case at his feet contained drug paraphernalia, specifically paraphernalia used for heroin. I also had Katie step out of the vehicle. She was also read her rights per Miranda.

A search of the vehicle revealed drug paraphernalia in the blue case as Jacob admitted. This consisted of several syringes, spoons with residue, empty plastic zip lock baggies, and a digital scale with suspected heroin residue on it. I also located a small zip lock baggy believed to contain methamphetamines, laying next to the case.

I placed Jacob under arrest for the paraphernalia possession.

Based upon the investigation, I believed it was probable that Jacob may have removed contraband from the blue case and concealed on it his person or it was possibly on Katie's person. I asked Katie for consent to search of her person, which she declined. I informed her that she was being detained and a search warrant would be applied for, specifically searching her person. She was handcuffed at that time.

Detective Bloomsburg had arrived around this time. I informed him of the investigation to that point. He spoke to Katie and found that she was in possession of a methamphetamine pipe as well as a large amount of heroin on her person. Officer Earl (a female LPD officer) arrived and removed a pipe from her

bra and a green silicone box from her pants, near her crotch. Inside was a large

amount of a brown tar like substance that I believed to be heroin. Katie was placed under arrest for possession of drug paraphernalia as well.

The heroin weighed 20.6 grams, total product weight, making this a felony trafficking offense.

Based upon the fact that heroin paraphernalia, packaging materials and a scale; common items used for the sales and distribution of controlled substances, were found at Jacob's feet, the on-going narcotic investigation involving Jacob selling/distributing heroin, and the recent information that Jacob was in possession of heroin that same day, I will be requesting two warrants be issued for his arrest; trafficking in heroin and possession of methamphetamines with extradition surrounding states. I believe the tar-like substance seized to be heroin based on its texture, packaging, appearance, and my previous experience in seizing heroin that was later tested at the ISP forensics lab.

He is currently incarcerated in the Asotin County Jail on another heroin possession charge.

==========

RECOMMENDATION: [XX] WARRANT
[ ] SUMMONS

==========

OFFICERS/INVESTIGATORS:
1. K-9 Officer Chris Reese #357
2. Detective Brett Dammon #374
3. Detective Cody Bloomsburg #425

==========

PROSECUTOR to POLICE:
DATE:
[ ] Charges filed
[ ] Warrant
[ ] Referred to Juvenile Services
[ ] Prosecution delayed for further investigation
[ ] Prosecution Declined
[ ] Summons
Assigned Prosecutor:

==========

FURTHER INVESTIGATION REQUESTED:
1.
2.
3.
Police Follow-up due by:

==========

PROSECUTION DECLINED: (EXPLANATION)

==========

CASE DISPOSITION:
[ ] Guilty plea as charged
[ ] Guilty plea to other charge:
[ ] Guilty verdict
[ ] Not Guilty verdict
[ ] Other:

"I certify (or declare) under penalty of perjury pursuant to the law of the

State of Idaho that the foregoing is true and correct."

_____ _____

(Date) (Signature)

ORIGINAL

FILED

2017 APR 11 PM 4: 23

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, [redacted] Defendant.	CASE NO. CR17-02016 COMPLAINT - CRIMINAL

STATE OF I D A H O)
: ss.
County of Nez Perce)

PERSONALLY APPEARED Before me this 11th day of April 2017, in the County of Nez Perce, JUSTIN J. COLEMAN, who, being first duly sworn, complains and says: that JACOB D. FARRELL, did commit the following crime(s):

COUNT I
POSSESSION OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(c)(1), a felony

That the defendant, JACOB D. FARRELL, on or about the 28th day of March 2017, in the County of Nez Perce, State of Idaho, did unlawfully possess a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

Said Complainant therefore prays that JACOB D. FARRELL be dealt with according to law.

J. Coleman

SUBSCRIBED and SWORN to before me this 11TH day of April 2017.

JUDGE

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR17-02016 WARRANT OF ARREST

THE STATE OF IDAHO: To any Sheriff, Constable, Marshal or Policeman of the State of Idaho, or the County of Nez Perce, GREETINGS:

A complaint on oath having this day been laid before me by JUSTIN J. COLEMAN, charging that the crime(s) of: **COUNT I - POSSESSION OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(c)(1), a felony;** has been committed, and accusing the above-named defendant thereof.

YOU ARE THEREFORE COMMANDED, forthwith to arrest the above-named defendant in the daytime and bring said defendant before me at my office at Lewiston, in said County, or in case of my absence or inability to act, before the nearest or most accessible Judge in this County.

HEREIN FAIL NOT, and due return make hereof.

BOND is hereby set at $ 10,000.

WITNESS my hand at Lewiston, Idaho, on this the 11th day of April 2017.

JUDGE

ENDORSEMENT TO ARREST IN NIGHTTIME

YOU ARE FURTHER COMMANDED to arrest JACOB D. FARRELL in the day time or night time and bring said defendant before me at my office at Lewiston, in said County, or in case of my absence or inability to act, before the nearest and most accessible Judge in this County.

WITNESS my hand at Lewiston, Idaho, on this the 11th day of April 2017.

JUDGE

FILED

2017 APR 11 PM 4:23

PATTY O. WEEKS
CLERK OF THE DIST. COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR17-02013 JUDGE'S FINDING OF PROBABLE CAUSE FOR WARRANT OF ARREST

The undersigned Judge having examined under oath of Prosecuting Attorney JUSTIN J. COLEMAN, who seeks a warrant of arrest for the above-referenced defendant, and after having examined said officer's Affidavit and the documents attached thereto, and probable cause having been shown, the undersigned Judge hereby finds that probable cause exists to believe that an offense has been committed and that the defendant has committed it, and authorizes the issuance of a warrant of arrest against the above-referenced defendant for the crime(s) of: **COUNT I - POSSESSION OF A CONTROLLED SUBSTANCE, I.C.§ 37-2732(c)(1), a felony .**

DATED this 11th day of April 2017.

JUDGE

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

FILED

2017 APR 11 PM 4: 22

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR17-02016 INITIAL APPEARANCE DATA SHEET

1. NATURE OF OFFENSE: **COUNT I - POSSESSION OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(c)(1), a felony;**

2. PENALTY FOR OFFENSE CHARGED: 7 YEARS AND/OR $15,000.00;

3. PROBABILITY OF ACCUSED APPEARING FOR TRIAL: _____

_____;

4. OTHER INFORMATION: Defendant's criminal history consists of prior felony convictions and a history of FTAs. Indications are that Defendant has been dealing narcotics in the community and was found with Methamphetamine. Drugs, especially Methamphetamine represent major problems in our community and the State views this as a public safety concern;

5. __X__ Warrant - BAIL RECOMMENDATION: $20,000.00.

DATED this 11th day of April 2017.

JUSTIN J. COLEMAN
Prosecutor

FILED

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE
MAGISTRATE DIVISION

2017 JUL 27 AM 7:42

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

THE STATE OF IDAHO,)
Plaintiff,)

vs.

Jacob D. Farrell, Defendant,)

NO. CR17-2014

NOTIFICATION OF RIGHTS - FELONY

The purpose of the initial appearance is to advise you of your rights and the charge(s) against you.

- You have the right to be represented by an attorney at all times.
- If you want an attorney, but cannot pay for one, the court will appoint one to help you. If you are found guilty or plead guilty, you may be ordered to reimburse Nez Perce County for the cost of your defense.
- You have the right to remain silent. Any statement you make could be used against you.
- You have the right to bail.
- You have the right to a preliminary hearing before a judge.
- The purpose of a preliminary hearing is to determine whether probable cause exists to believe you have committed the crime(s) charged. A preliminary hearing is not a trial to decide guilt or innocence.
- You can cross-examine all witnesses who testify against you.
- You can present evidence, testify yourself if you wish, and have witnesses ordered to testify by subpoena.
- If the court finds probable cause exists that you committed the crime(s) charged, or if you waive your preliminary hearing, you will be sent to the District Court for arraignment.

If you have questions about the charge(s), about your rights or the court process, don't hesitate to speak up. It is important that you understand.

Acknowledgement of Rights

I have read this entire document, and I understand these rights as set forth above.

Date 7/26/17 Defendant's Signature

FILED

SCANNED

2017 JUL 27 AM 9:26
CLERK OF THE DIST COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. Jacob D Farrell Defendant,	)	CASE NO. CR17-2016 (✓) NOTICE OF PRELIMINARY CONFERENCE (X) NOTICE OF PRELIMINARY HEARING ( ) NOTICE OF SENTENCING ( ) NOTICE OF HEARING ON _____

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

(✓) PRELIMINARY CONFERENCE to begin at 1:30, p.m., on the 7 day of August, 2017.

(X) PRELIMINARY HEARING to begin at 1:30, p.m., on the 9 day of August, 2017.

( ) SENTENCING to begin at _____, __.m. on the _____ day of _____, 20_____.

( ) HEARING to begin at _____, __.m. on the _____ day of _____, 20_____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 27 day of August 2017

BY ORDER OF:

Merica
Judge

Davenport
Clerk

(✓) Copy to Prosecuting Attorney

(✓) Copy handed to Defendant scanned to jail

( ) Copy mailed to Defendant

(✓) Copy mailed/handed/placed in basket to Defendant's Attorney
Rauch

Moneysaver Printshop 36435

FILED

2017 JUL 27 AM 9:26

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. Jacob D. Farrell, Defendant.	CASE NO. CR 17-2016 AFFIDAVIT OF FINANCIAL STATUS, APPLICATION FOR PUBLIC DEFENDER, AND ORDER

This application must be filled out **completely** before it can be reviewed for assignment of a public defender. All questions must be answered. NO EXCEPTIONS.

Personal Information

Full Name: Jacob D Farrell Date of Birth: 07/07/94
Address: 1145 University St. Phone #: N/A
City: Clarkston State: WA Zip: 99403

Income Information

Are you employed: No X Yes _____ Where? _____
What is your **gross** income (amount **before** taxes or any other withholdings are taken out)?
Monthly: $ N/A Bi-weekly: $ N/A Weekly: $ N/A
What is your **hourly** income? $ N/A How many hours do you work per week? N/A
Married? No X Yes _____ Spouse's Name: _____
What is your spouse's **gross** income (amount **before** taxes or any other withholdings are taken)?
Monthly: $ N/A Bi-weekly: $ N/A Weekly: $ N/A
Do you have any other sources of income? No X Yes _____
If yes, from whom? N/A How much per month? N/A
Please list which, if any, of the following public assistance you receive:
_____ Self Reliance Program Funds _____ SSI or SSDI _____ Food Stamps
_____ County or General Relief _____ Medicare/Medicaid _____ Cash Assistance
_____ Other. Please specify: _____

Household Information

Please list each of the following **dependents** which reside in your household and for whom you are financially responsible:

_____ Spouse

_____ Children. How many total? _____ Please list age of each child: _____

_____ Other. Please specify relationship: _____

Debts

Please list the following debts you pay **per month**:

Mortgage/Rent: _____ Food: _____ Utilities: _____

Car: _____ Medical: _____ Credit Cards: _____

Loans: _____ Child Support: _____ Other: _____

Assets

Do you own your home? No X Yes _____ Equity: _____

Do you rent your home? No X Yes _____

Do you live with your parents? No _____ Yes X

Please list the **approximate value** of the following property you own:

Motor Vehicles: How many? N/A Total Value of All Vehicles: $ N/A

Make and Model of Each Vehicle: N/A

Furniture/Appliances/Electronics: $ N/A

Sporting Equipment: $ N/A Guns: How many? N/A Value: $ N/A

Boats/Recreational Vehicles/Motorcycles/Snowmobiles: $ N/A

Money in savings/checking accounts: $ N/A Name of Bank: N/A

Cash on hand: $ N/A Stocks/Bonds: $ N/A

Jewelry: $ N/A

Other. Specify: N/A $_____

What is the last year you filed an income tax return? 2016 Amount of return: $ 1200

Can you borrow money to pay an attorney? No X Yes _____ If yes, how much? $_____

I HEREBY ACKNOWLEDGE THAT I MAY BE REQUIRED TO REIMBURSE NEZ PERCE COUNTY FOR THE SERVICES OF THE PUBLIC DEFENDER.

I HEREBY CERTIFY THAT ALL OF THE ANSWERS TO THE FOREGOING QUESTIONS ARE UNDER OATH AND SWEAR THAT THE SAME ARE TRUE AND CORRECT. IF I HAVE INTENTIONALLY ANSWERED ANY OF SAID QUESTIONS INCORRECTLY, I MAY BE PROSECUTED FOR PERJURY.

Dated this 26 day of July, 2017.

_____

Defendant's Signature

ORDER

Based upon the information contained in the Court record and on the above-filed affidavit, the Court hereby X **GRANTS** ____ **DENIES** the defendant's application for public defender. Rauch is hereby appointed as counsel to represent the defendant in the above-entitled case.

Dated this 27th day of July, 20____.

Magistrate Judge

FILED

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

2017 JUL 27 AM 7:42

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR 17 - 0 2 0 1 6 WARRANT OF ARREST

RECEIVED
HOUR 1020 A.M. P.M.
APR 13 2017
NEZ PERCE COUNTY SHERIFF'S OFFICE
LEWISTON, IDAHO 83501
BY:

THE STATE OF IDAHO: To any Sheriff, Constable, Marshal or Policeman of the State of Idaho, or the County of Nez Perce, GREETINGS:

A complaint on oath having this day been laid before me by JUSTIN J. COLEMAN, charging that the crime(s) of: **COUNT I - POSSESSION OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(c)(1), a felony;** has been committed, and accusing the above-named defendant thereof.

YOU ARE THEREFORE COMMANDED, forthwith to arrest the above-named defendant in the daytime and bring said defendant before me at my office at Lewiston, in said County, or in case of my absence or inability to act, before the nearest or most accessible Judge in this County.

HEREIN FAIL NOT, and due return make hereof.

BOND is hereby set at $ 10,000.

WITNESS my hand at Lewiston, Idaho, on this the 11th day of April 2017.

JUDGE

7/26/17
D25
NPCSO

ENDORSEMENT TO ARREST IN NIGHTTIME

WARRANT FOR ARREST -1- AUTHORIZED FOR TELETYPE OR TELEGRAPH SERVICE

YOU ARE FURTHER COMMANDED to arrest JACOB D. FARRELL in the day time or night time and bring said defendant before me at my office at Lewiston, in said County, or in case of my absence or inability to act, before the nearest and most accessible Judge in this County.

WITNESS my hand at Lewiston, Idaho, on this the 11th day of April 2017.

JUDGE

Magyar, Rauch & Associates, PLLC
Gregory R. Rauch, ISB# 7389
Andrew W. Betson, ISB#10147
Attorneys at Law
307 19th St. Suite B-5
Lewiston, Idaho 83501
Tel: (208) 792-7912

FILED

2017 JUL 27 AM 11: 12

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

ORIGINAL

Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant,	Case No. CR 2017-2016 **MOTION TO WITHDRAW AS PUBLIC DEFENDER**

COMES NOW, Gregory R. Rauch of Magyar, Rauch & Associates, PLLC, Public Defender for Nez Perce County, Idaho and respectfully requests that this Court allow him to withdraw from his representation of Defendant, JACOB D. FARRELL.

This Motion is made on the grounds that there is a direct conflict of interest between this Defendant and another current client in regards to the Defendant's pending charge for Possession of a Controlled Substance. Mr. Rauch represents a client that may be called on by the State to testify in this case, therefore, it is ethically impossible for Mr. Rauch to represent both clients under Idaho Rule of Professional Conduct 1.7.

Thus, Mr. Rauch respectfully requests that this Court dismiss him as Public Defender for the Defendant and assign new counsel to Defendant's case.

DATED this 27th day of July, 2017

Andrew W. Betson
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2017, I caused a true and correct copy of the foregoing document to be served on the following in the manner indicated below:

Nez Perce County Prosecutor P. O. Box 1267 Lewiston, Idaho 83501	( ) U.S. Mail ( ) Overnight Mail ( ) Facsimile 208 799-3080 ( ) Hand Delivery (X) Courthouse Mail

Andrew W. Betson
Attorney for Defendant

Magyar, Rauch & Associates, PLLC
307 19th St. Suite B-5, Lewiston, ID 83501
(208)792-7912

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

Case Title: State v. Jacob D Farrell

Hearing Type: Initial Arraignment

Case #: CR17-2016

Judge: Merica

Clerk: Davenport

Courtroom #: 2

Date: 7/27/17

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

Start Time: 90700

✓ Defendant present _____ With/Without Counsel _____

☑ Court advises Defendant of Rights & Charges(s) Poss. of C.S.

☑ Defendant requests Public Defender & signs Affidavit of Financial Status

☑ Judge appoints and orders Raudh to represent defendant

Bond set $ 10,000.00 OR'd _____ No Contact Order entered _____

Next Preliminary Conference date 8-7-17 @ 1:30 pm

Next Preliminary Hearing date 8-9-17 @ 1:30 pm

Other:

Recess: 91054

Magyar, Rauch & Associates, PLLC
Gregory R. Rauch, ISB# 7389
Andrew W. Betson, ISB#10147
Attorneys at Law
307 19th St. Suite B-5
Lewiston, Idaho 83501
Tel: (208) 792-7912

FILED

2017 AUG -1 PM 3:40

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D FARRELL, Defendant,	Case No. CR – 2017 – 2016 **ORDER GRANTING MOTION TO WITHDRAW AS PUBLIC DEFENDER**

UPON REVIEWING Mr. Gregory Rauch's *Motion to Withdraw as Public Defender,*

AND GOOD CAUSE APPEARING THEREFORE,

IT IS HEREBY ORDERED that Mr. Gregory Rauch's Motion is GRANTED and further appoints Rick Caddy, as the Court appointed Attorney for the above-named Defendant.

DATED this 1st day of August, 2017.

Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2017, I caused a true and correct copy of the foregoing documents to be served on the following in the manner indicated below:

Andrew W. Betson Magyar, Rauch & Associates 307 19th St., Suite B-5 Lewiston, Idaho 83501 Phone: (208) 792-7912 Fax: (208) 882-4540	( ) U.S. Mail ( ) Overnight Mail ( ) Facsimile ( ) Hand Delivery (X) Courthouse Mail
Nez Perce County Prosecutor P.O. Box 1267 Lewiston, Idaho 83843	( ) U.S. Mail ( ) Overnight Mail ( ) Facsimile 208-799-3080 ( ) Hand Delivery (X) Courthouse Mail

CLERK OF THE DISTRICT COURT

By: J Rupnicks

Deputy Clerk

FILED

2017 AUG -4 PM 3: 42

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

Richard M. Cuddihy, ISBN No. 7064
KNOWLTON & MILES, PLLC
Post Office Drawer 717
312 Seventeenth Street
Lewiston, Idaho 83501
Telephone: (208) 746-0103
Fax: (208) 746-0118

Attorneys for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,	)	**Case No. CR 17-2016**
Plaintiff,	)	
	)	**REQUEST FOR DISCOVERY**
vs.	)	
Jacob Farrell,	)	
Defendant.	)	

TO: PROSECUTING ATTORNEY FOR THE COUNTY OF NEZ PERCE, STATE OF IDAHO:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence, and materials:

ONE: Disclose to defense any and all material of information within your possession or control or which may hereafter come into your possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore.

TWO: Permission to the defendant to inspect and copy or photograph any relevant, written, or recorded statements made by the defendant or copies thereof within the possession, custody or control of the state.

THREE: The substance of any relevant, oral statement made by the defendant or copies thereof within the possession, custody or control of the state.

FOUR: Permission of the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant and the substance of any relevant, oral statement made by a co-defendant, whether before or after arrest, in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.

FIVE: Furnish to the defendant a copy of the prior criminal record of the defendant, if any.

SIX: Permission of the defendant to inspect and copy or photograph any books, papers, documents, photographs, audio recordings, video recordings, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the defendant.

SEVEN: Permit the defendant to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case or copies thereof within the possession, custody, or control of the prosecuting attorney.

EIGHT: Provide the defendant with copies of the polaroid's taken as evidence.

NINE: Furnish to the defendant written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with

any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney.

TEN: Furnish to the defendant statements made by the prosecution's witnesses or prosecuting attorney or agents or to any official involved in the investigatory process of the case.

ELEVEN: Furnish to the defendant reports or memoranda, made by any police officer or investigator in connection with the investigation or prosecution of the case along with detailed records of any and all additional forms of communication for any law enforcement officer as well as any dispatch employee, during the times engaged in the above-entitled matter, including but not limited to department and personal cell phone call and text messaging logs, MDC conversations and any other instant messenger service used by each individual.

TWELVE: Provide the defendant with the name of the person who called any Law Enforcement agency. The undersigned further requests permission to inspect and copy said information, evidence and materials not required to be furnished within fourteen (14) days from receipt of this notice, or at such other time as counsel may agree.

DATED this 4th day of August, 2017.

KNOWLTON & MILES, PLLC

Richard M Cuddihy

Richard M. Cuddihy

CERTIFICATE OF DELIVERY

I CERTIFY that on this 4th day of August, 2017, I caused a true and correct copy of the foregoing **Request for Discovery** to be:

[] hand delivered by providing a copy to: Valley Messenger Service
[] mailed postage prepaid
[] certified mail
[X] faxed

to the following:

Nez Perce County Prosecutor's Office
Lewiston, Idaho
Fax# 208-790-3080

KNOWLTON & MILES, PLLC

Stephanie Roe

A member of the firm

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

PRELIMINARY HEARING MINUTES

CR-2017-0002016
State of Idaho vs. Jacob David Farrell
Hearing type: Preliminary Conference
Hearing date: 8/7/2017
Time: 2:30 pm
Judge: Michelle M. Evans
Courtroom: 3
Minutes Clerk: Brittany Davenport
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Shane Andrews

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

023052

Def present ☒ with counsel ☒ Def in Custody

Andrews --- present for State

☒ Def requests continuance of **Preliminary Hearing**

Court Orders: **Preliminary Conference** continued to : 8/21/17 at 1:30 p. m.

Court Orders: **Preliminary Hearing** continued to : 8/23/17 at 1:30 p. m.

☒Def waives right to speedy prelim

023140

FILED

2017 AUG -7 PM 2:53

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

KATHY J. WEEKS
CLERK OF THE DIST COURT
DEPUTY

STATE OF IDAHO, Plaintiff, vs. Jacob D Farrell, Defendant,	)	CASE NO. CR17-2016 (X) NOTICE OF PRELIMINARY CONFERENCE (X) NOTICE OF PRELIMINARY HEARING ( ) NOTICE OF SENTENCING ( ) NOTICE OF HEARING ON _____

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

(X) PRELIMINARY CONFERENCE to begin at 1:30, P.m., on the 21 day of August, 2017.

(X) PRELIMINARY HEARING to begin at 1:30, P.m., on the 23 day of August, 2017.

( ) SENTENCING to begin at _____, __.m. on the _____ day of _____, 20_____.

( ) HEARING to begin at _____, __.m. on the _____ day of _____, 20_____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 7 day of August, 2017.

BY ORDER OF:

MICHELLE M. EVANS
Judge

BRITTANY DAVENPORT
Clerk

(X) Copy to Prosecuting Attorney

(X) Copy handed to Defendant

( ) Copy mailed to Defendant

(X) Copy mailed/handed/placed in basket to Defendant's Attorney Rauch

Moneysaver Printshop 36435

ORIGINAL

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

FILED

2017 AUG -7 PM 4: 47

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR2017-0002016 RESPONSE TO REQUEST FOR DISCOVERY

TO THE ABOVE-NAMED DEFENDANT AND COUNSEL:

COMES NOW, the State in the above-entitled matter, and submits the following Response to Request for Discovery.

The State has complied with such request by providing the following:

1. Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney, or the prosecuting attorney's agent have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

2. Any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney, have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

3. Defendant's prior criminal record, if any, has been disclosed, made available, or is attached hereto as set forth in Exhibit "B."

4. Any books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the defendant have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession, custody, or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

6. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial is set forth in Exhibit "A." Any record of prior felony convictions of any such persons which is within the knowledge of the prosecuting attorney and all statements made by the prosecution witnesses or prospective prosecution

witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of the case have been disclosed, made available, or are attached hereto as set forth in Exhibit "A."

7. Any reports and memoranda in possession of the prosecuting attorney which were made by any police officer or investigator in connection with this investigation or prosecution of this case have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

8. All material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore have been disclosed, made available, or are attached hereto as set forth in Exhibit "B." In addition, with regard to material or information which may be exculpatory as used or interpreted, the State requests that the defendant inform the State, in writing, of the defense which will be asserted in this case, so counsel for the State can determine if any additional material or information may be material to the defense, and thus fulfill its duty under I.C.R. 16(a) and Brady v. Maryland, 373 U.S. 83 (1963).

9. Wherever this Response indicates that certain evidence or materials have been disclosed, made available, or are attached hereto as set forth in Exhibit "B," such indication should not be construed as confirmation that such evidence or materials exist, but simply as an indication that if such evidence or materials exist, they have been disclosed or made available to the defendant. Furthermore, any items which are listed in Exhibit "B" but are not specifically provided, or which are referred to in documents which are listed in Exhibit "B," are available for inspection upon appointment with the Prosecuting Attorney's Office.

10. The State reserves the right to supplement any and all sections of this response if and when more information becomes available.

11. The State objects to requests by the defendant for anything not addressed above on the grounds that such requests are outside the scope AND/OR are irrelevant under I.C.R. 16.

DATED this 7th day of August 2017.

JUSTIN J. COLEMAN
Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was

(1) ___ hand delivered, or

(2) ✓ hand delivered via court basket, or

(3) ___ sent via facsimile, or

(4) ___ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy
KNOWLTON & MILES, PLLC
312 17th Street
P.O. Drawer 717
Lewiston, ID 83501

DATED this 7th day of August 2017.

SHELLY L. DAMATO
Executive Sr. Legal Assistant

EXHIBIT "A"
LIST OF WITNESSES

STATE OF IDAHO vs. JACOB D. FARRELL
NEZ PERCE COUNTY CASE NO. CR2017-0002016

1. NAME: CODY BLOOMSBURG
ADDRESS: Lewiston Police Department
1224 F Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

2. NAME: JODI L. BOLON
ADDRESS: Inland Cellular
1332 G Street
Lewiston, Idaho 83501
PHONE: (208) 798-0245x1247

3. NAME: MATT BREESE
ADDRESS: Lewiston Police Department
1224 "F" Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

4. NAME: CONFIDENTIAL SOURCE
ADDRESS: C/o Cody Bloomsburg
Lewiston Police Department
1224 "F" Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

5. NAME: BRETT J. DAMMON
ADDRESS: Lewiston Police Department
1224 F Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

6. NAME: TANISHA J. EARL
ADDRESS: Lewiston Police Department
1224 F Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

7. NAME: BRIAN M. ERICKSON
ADDRESS: Lewiston Police Department
1224 "F" Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

8. NAME: KATIE A.T. SEUBERT
ADDRESS: 1410 Cedar Avenue
Lewiston, Idaho 83501
PHONE: (208) 790-5284

9. NAME: DARREN GILBERTSON
ADDRESS: Idaho State Police Investigations
2700 N&S Hwy
Lewiston, Idaho 83501
PHONE: (208) 799-5020

10. NAME: CHARLES M. MCCLAIN
ADDRESS: 3215 7th Street
Lewiston, Idaho 83501
PHONE: (208) 305-5045

11. NAME: BENJAMIN D. MILLER
ADDRESS: 1331 Chestnut Street
Clarkston, Washington 99403
PHONE: (208) 305-5566

12. NAME: ERIC R. OLSON
ADDRESS: Lewiston Police Department
1224 "F" Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

13. NAME: CHRIS REESE
ADDRESS: Lewiston Police Department
1224 "F" Street
Lewiston, Idaho 83501
PHONE: (208) 746-0171

14. NAME: PATRICK F. ROGERS
ADDRESS: 3314 6th St
Lewiston, Idaho 83501
PHONE: (208) 791-6063

15. NAME: DAVID SINCERBEAUX **(EXPERT WITNESS)**
ADDRESS: Idaho State Police Forensic Services
615 W. Wilbur Suite B
Coeur d'Alene, ID 83815-7785
PHONE: (208) 290-8700

ANTICIPATED TESTIMONY: David Sincerbeaux is a Forensic Scientist with the Idaho State Police Forensic Services and will testify to his observations, findings and expert opinion as a result of performing the testing on the controlled substances in this case. His Forensic Controlled Substance Analysis Report and related notes have been disclosed – discovery pages 37-43 and his qualifications are outlined in his Curriculum Vitae – discovery pages 44-45.

EXHIBIT "B"
LIST OF REPORTS

STATE OF IDAHO vs. JACOB D. FARRELL
NEZ PERCE COUNTY CASE NO. CR2017-0002016

1. A copy of any audios and/or videos are available by providing blank CDs or DVDs to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.

2. Lewiston Police Department Cap Sheet and Case Disposition Sheet (Supp 6), dated 4/10/17, consisting of four pages. (1-4)

3. Lewiston Police Department Cap Sheet and Case Disposition Sheet (Supp 8), dated 4/10/17, consisting of three pages. (5-7)

4. Lewiston Police Department, LAW Incident Table, dated 4/10/17, consisting of two pages. (8-9)

5. Lewiston Police Department Narrative, dated 3/28/17, prepared by Chris Reese, consisting of four pages. (10-13)

6. Lewiston Police Department Supplemental Narrative (Supp1), dated 3/28/17, prepared by Brian Erickson, consisting of two pages. (14-15)

7. Lewiston Police Department Supplemental Narrative (Supp 2), dated 3/28/17, prepared by Cody Bloomsbury, consisting of two pages. (16-17)

8. Lewiston Police Department Supplemental Narrative (Supp 3), dated 3/28/17, prepared by Tanisha Earl, consisting of one page. (18)

9. Lewiston Police Department Narcotic Dog Application Log (Supp 4), dated 3/29/17, prepared by Chris Reese, consisting of one page. (19)

10. Lewiston Police Department Supplemental Narrative (Supp 5), dated 3/29/17, prepared by Brett Dammon, consisting of two pages. (20-21)

11. Lewiston Police Department Supplemental Narrative (Supp 7), dated 4/10/17, prepared by Brett Dammon, consisting of one page. (22)

12. Lewiston Police Department, Main Names Table for Jacob Farrell, consisting of four pages. (23-26)

13. Criminal History for Jacob Farrell, consisting of ten pages. (27-36)

14. Idaho State Police Forensic Services, Forensic Controlled Substance Analysis Report No. 1, dated 4/12/17, prepared by David Sincerbeaux, consisting of two pages. (37-38)

15. Controlled Substance Analysis Notes, consisting of five pages. (39-43)

16. Curriculum Vitae for David Sincerbeaux, consisting of two pages. (44-45)

17. Lewiston Police Department Supplemental Narrative (Supp 9), dated 4/19/17, prepared by Brian Birdsell, consisting of one page. (46)

18. Lewiston Police Department Supplemental Narrative (Supp 10), dated 4/20/17, prepared by Cody Bloomsburg, consisting of two pages. (47-48)

19. Lewiston Police Department Supplemental Narrative (Supp 11), dated 4/24/17, prepared by Brett Dammon, consisting of two pages. (49-50)

20. Search Warrant packet and Return for cell phone (790-5284), consisting of ten pages. (51-60)

21. Inland Cellular, Summary of Charges (Katie 790-5284), consisting of one page. (61)

22. Word document prepared by Brett Dammon that summarizes the text messages he noted in his Supplemental Report 11, consisting of one page. (62)

23. One DVD containing 2 WatchGuard videos from Reese and Earl's patrol cars.

24. One compact disc containing five Excel Spreadsheets showing call detail and text message information for cell number 790-5284, and the audio recording from Asotin County Jail of the phone call by McClain and Farrell to Miller on 4-15-17.

25. One compact disc containing 7 photos by Reese, 5 photos by Erickson and the Audio of the Interview with Seubert at the scene on 3/28/17.

26. Lewiston Police Department Supplemental Narrative (Supp 12), dated 8/3/17, prepared by Cody Bloomsburg, consisting of two pages. (63-64)

ORIGINAL

FILED

2017 AUG 14 PM 4:13

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR2017-0002016 FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY

JUSTIN J. COLEMAN, Prosecuting Attorney for Nez Perce County, Idaho, comes before this Court, and pursuant to Defendant's Request for Discovery in the case herein, makes the following supplemental disclosure compliance pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is AMENDED EXHIBIT "B" which sets forth additional reports.

DATED this 14th day of August 2017.

J. Coleman

JUSTIN J. COLEMAN
Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

(1) _____ hand delivered, or

(2) ✓ hand delivered via court basket, or

(3) _____ sent via facsimile, or

(4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy
KNOWLTON & MILES, PLLC
312 17th Street
P.O. Drawer 717
Lewiston, ID 83501

DATED this 14th day of August 2017.

Shelly L. Damato

SHELLY L. DAMATO
Executive Sr. Legal Assistant

AMENDED EXHIBIT "B"
AMENDED LIST OF REPORTS

STATE OF IDAHO vs. JACOB D. FARRELL
NEZ PERCE COUNTY CASE NO. CR2017-0002016

1. A copy of any audios and/or videos are available by providing blank CDs or DVDs to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.

2. Lewiston Police Department Cap Sheet and Case Disposition Sheet (Supp 6), dated 4/10/17, consisting of four pages. (1-4)

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8. Lewiston Police Department Supplemental Narrative (Supp 3), dated 3/28/17, prepared by Tanisha Earl, consisting of one page. (18)

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11. Lewiston Police Department Supplemental Narrative (Supp 7), dated 4/10/17, prepared by Brett Dammon, consisting of one page. (22)

12. Lewiston Police Department, Main Names Table for Jacob Farrell, consisting of four pages. (23-26)

13. Criminal History for Jacob Farrell, consisting of ten pages. (27-36)

14. Idaho State Police Forensic Services, Forensic Controlled Substance Analysis Report No. 1, dated 4/12/17, prepared by David Sincerbeaux, consisting of two pages. (37-38)

15. Controlled Substance Analysis Notes, consisting of five pages. (39-43)

16. Curriculum Vitae for David Sincerbeaux, consisting of two pages. (44-45)

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18. Lewiston Police Department Supplemental Narrative (Supp 10), dated 4/20/17, prepared by Cody Bloomsburg, consisting of two pages. (47-48)

19. Lewiston Police Department Supplemental Narrative (Supp 11), dated 4/24/17, prepared by Brett Dammon, consisting of two pages. (49-50)

20. Search Warrant packet and Return for cell phone (790-5284), consisting of ten pages. (51-60)

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23. One DVD containing 2 WatchGuard videos from Reese and Earl's patrol cars.

24. One compact disc containing five Excel Spreadsheets showing call detail and text message information for cell number 790-5284, and the audio recording from Asotin County Jail of the phone call by McClain and Farrell to Miller on 4-15-17.

25. One compact disc containing 7 photos by Reese, 5 photos by Erickson and the Audio of the Interview with Seubert at the scene on 3/28/17.

26. Lewiston Police Department Supplemental Narrative (Supp 12), dated 8/3/17, prepared by Cody Bloomsburg, consisting of two pages. (63-64)

27. One compact disc containing the audio interview with Katie Suebert by Bloomsburg on 8/3/17 at Betson's office.

DISTRICT COURT JUDICIAL DISTRICT COURT, STATE OF IDAHO
AND FOR THE COUNTY OF NEZ PERCE
1230 MAIN ST.
LEWISTON, IDAHO 83501

CASE TITLE: **State of Idaho vs. Jacob David Farrell**	)	JUDGE: ~~Kent J. Merica~~ Gaskill
HEARING TYPE: Preliminary Conference	)	CLERK: _____
PLF ATTY: Justin J. Coleman	)	Magistrate Courtroom #3
DEF ATTY: Rick Cuddihy PD 2017	)	CASE #: **CR-2017-0002016**
Monday, August 21, 2017	)	TIME: _____

BE IN KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

021759 Start

Def present with / without counsel ☐Def not in Custody ☒Def in Custody

Kelleher / Smith / Andrews / Coleman present for State

State / Def requests continuance of Prelim

☒Court Orders Prelim Conference continued to: 8-28-17 at 1:30 p.m.

☒Court Orders Prelim Hearing continued to: 8-30-17 at 1:30 p.m.

☐Def waives Prelim – Court binds Def over to District Court

☐Case set for District Court Arraignment on at Assigned to:

☐Stipulation and Motion to Continue Prelim has been filed.

☐Def is being considered for:

Mental Health Court / DUI Court / Drug Court / Veterans Court

☒Def previously waived right to speedy prelim

☐Def waives right to speedy prelim

☐Defense addresses Court regarding bond.

☐Preliminary Hearing going forward on Wednesday, at 1:30 p.m.

021848 End

FILED

2017 AUG 21 PM 3:02

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. Jacob O Farrell, Defendant,	)	CASE NO. CR17-2016 (X) NOTICE OF PRELIMINARY CONFERENCE (X) NOTICE OF PRELIMINARY HEARING ( ) NOTICE OF SENTENCING ( ) NOTICE OF HEARING ON _____

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

(X) PRELIMINARY CONFERENCE to begin at 1:30, P.m., on the 28 day of August, 2017.

(X) PRELIMINARY HEARING to begin at 1:30, P.m., on the 30 day of August, 2017.

( ) SENTENCING to begin at _____, __.m. on the _____ day of _____, 20____.

( ) HEARING to begin at _____, __.m. on the _____ day of _____, 20____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 21 day of August, 2017.

BY ORDER OF:

JAY P. GASKILL
Judge

Clerk

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY · STATE OF IDAHO · EX-OFFICIO AUDITOR AND RECORDER

(X) Copy to Prosecuting Attorney

(X) Copy handed to Defendant

( ) Copy mailed to Defendant

(X) Copy mailed/handed/placed in basket to Defendant's Attorney Cuddihy

Moneysaver Printshop 36435

DISTRICT COURT, FIRST JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF NEZ PERCE
1230 MAIN ST.
LEWISTON, IDAHO 83501

CASE TITLE: **State of Idaho vs. Jacob David Farrell**	)	JUDGE: Michelle M. Evans
HEARING TYPE: Preliminary Conference	)	CLERK: Evans
PLF ATTY: Justin J. Coleman	)	Magistrate Courtroom #3
DEF ATTY: Rick Cuddihy PD 2017	)	CASE #: **CR-2017-0002016**
Monday, August 28, 2017	)	TIME: _____

BE IN KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

020710 Start

Def present with / without counsel ☐Def not in Custody ☒Def in Custody

Kelleher / Smith / Andrews / Coleman present for State

State / Def requests continuance of Prelim

☐Court Orders Prelim Conference continued to: at 1:30 p.m.

☐Court Orders Prelim Hearing continued to: at 1:30 p.m.

☐Def waives Prelim – Court binds Def over to District Court

☐Case set for District Court Arraignment on at Assigned to:

☐Stipulation and Motion to Continue Prelim has been filed.

☐Def is being considered for:

Mental Health Court / DUI Court / Drug Court / Veterans Court

☐Def previously waived right to speedy prelim

☐Def waives right to speedy prelim

☐Defense addresses Court regarding bond.

☒Preliminary Hearing going forward on Wednesday, at 1:30 p.m.

020800 End

FILED

2017 AUG 30 PM 2:54

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. Jacob Farrell, Defendant,	)	CASE NO. CR-2017-2016 (X) NOTICE OF PRELIMINARY CONFERENCE (X) NOTICE OF PRELIMINARY HEARING ( ) NOTICE OF SENTENCING ( ) NOTICE OF HEARING ON _____

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

(X) PRELIMINARY CONFERENCE to begin at 1:30, p.m., on the 11 day of Sept., 2017.

(X) PRELIMINARY HEARING to begin at 1:30, p.m., on the 13 day of Sept., 2017.

( ) SENTENCING to begin at _____, __.m. on the _____ day of _____, 20_____.

( ) HEARING to begin at _____, __.m. on the _____ day of _____, 20_____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 30 day of August, 2017.

BY ORDER OF:

MICHELLE M. EVANS
Judge

Clerk

(X) Copy to Prosecuting Attorney

(X) Copy handed to Defendant

( ) Copy mailed to Defendant

(X) Copy mailed/handed/placed in basket to Defendant's Attorney
Rick Cuddihey

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY EX-OFFICIO AUDITOR AND RECORDER STATE OF IDAHO

Moneysaver Printshop 38435

DISTRICT COURT, JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF NEZ PERCE
1230 MAIN ST.
LEWISTON, IDAHO 83501

CASE TITLE: **St vs. Jacob David Farrell**	)	JUDGE: Michelle M. Evans
HEARING TYPE: Preliminary Hearing	)	CLERK: Evans
PLF ATTY: Justin J. Coleman	)	Magistrate Courtroom #3
DEF ATTY: Rick Cuddihy PD 2017	)	CASE #: **CR-2017-0002016**
Wednesday, August 30, 2017	)	TIME: _____

BE IN KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

014205 Start

Def present with / without counsel ☐Def not in Custody ☒Def in Custody

Kelleher / Smith / Andrews / Coleman present for State

State / Def requests continuance of Prelim 2 weeks

☐Court Orders Prelim Conference continued to: at 1:30 p.m.

☐Court Orders Prelim Hearing continued to: at 1:30 p.m.

☐Def waives Prelim – Court binds Def over to District Court

☐Case set for District Court Arraignment on at Assigned to:

☐Stipulation and Motion to Continue Prelim has been filed.

☐Def is being considered for:

Mental Health Court / DUI Court / Drug Court / Veterans Court

☒Def previously waived right to speedy prelim

☐Def waives right to speedy prelim

☐Defense addresses Court regarding bond.

☐Preliminary Hearing going forward on Wednesday, at 1:30 p.m.

014328 End

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

PRELIMINARY HEARING MINUTES

CR-2017-0002016
State of Idaho vs. Jacob David Farrell
Hearing type: Preliminary Conference
Hearing date: 9/11/2017
Time: 2:19 pm
Judge: Kent J. Merica
Courtroom: 3
Minutes Clerk: Brittany Davenport
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Shane Andrews

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

021950

Def present ☒ with counsel ☒ Def in Custody

Andrews --- present for State

☒Preliminary Hearing going forward on Wednesday, 9/13/2017 at 1:30PM

022010

DISTRICT COURT JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF NEZ PERCE
1230 MAIN ST.
LEWISTON, IDAHO 83501

CASE TITLE: **State of Idaho vs. Jacob David Farrell**	)	JUDGE: Kent J. Merica
HEARING TYPE: Preliminary Hearing	)	CLERK: [illegible]
PLF ATTY: Justin J. Coleman	)	Magistrate Courtroom #3
DEF ATTY: Rick Cuddihy PD 2017	)	CASE #: **CR-2017-0002016**
Wednesday, September 13, 2017	)	TIME: _____

BE IN KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

1352 Start

Def present with / without counsel ☐Def not in Custody ☑Def in Custody

Kelleher / Smith / Andrews / Coleman present for State

State / Def requests continuance of Prelim

☑Court Orders Prelim Conference continued to: 9.18 at 1:30 p.m.

☑Court Orders Prelim Hearing continued to: 9.20 at 1:30 p.m.

☐Def waives Prelim – Court binds Def over to District Court

☐Case set for District Court Arraignment on at Assigned to:

☐Stipulation and Motion to Continue Prelim has been filed.

☐Def is being considered for:

Mental Health Court / DUI Court / Drug Court / Veterans Court

☐Def previously waived right to speedy prelim

☐Def waives right to speedy prelim

☐Defense addresses Court regarding bond.

☐Preliminary Hearing going forward on Wednesday, at 1:30 p.m.

1320 End

FILED

2017 SEP 13 PM 1:51

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. Jacob Farrell Defendant,	)))))))))	CASE NO. 17-2016 (X) NOTICE OF PRELIMINARY CONFERENCE (X) NOTICE OF PRELIMINARY HEARING ( ) NOTICE OF SENTENCING ( ) NOTICE OF HEARING ON _____

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

(X) PRELIMINARY CONFERENCE to begin at 1:30, p.m., on the 18 day of Sept, 20 17.

(X) PRELIMINARY HEARING to begin at 1:30, p.m., on the 20 day of Sept, 20 17.

( ) SENTENCING to begin at _____, __.m. on the _____ day of _____, 20____.

( ) HEARING to begin at _____, __.m. on the _____ day of _____, 20____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 13 day of Sept, 20 17.

BY ORDER OF:

Merica
Judge

Garcia
Clerk

(X) Copy to Prosecuting Attorney

(X) Copy handed to Defendant

( ) Copy mailed to Defendant

(X) Copy mailed/handed/placed in basket to Defendant's Attorney

Moneysaver Printshop 36435

DISTRICT COURT, JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF NEZ PERCE
1230 MAIN ST.
LEWISTON, IDAHO 83501

CASE TITLE: **State of Idaho vs. Jacob David Farrell**	)	JUDGE: Michelle M. Evans
HEARING TYPE: Preliminary Conference	)	CLERK: Donna Evans
PLF ATTY: Justin J. Coleman	)	Magistrate Courtroom #3
DEF ATTY: Rick Cuddihy PD 2017	)	CASE #: **CR-2017-0002016**
Monday, 18 September, 2017	)	TIME: _____

BE IN KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

021440 Start

Def present with / without counsel ☐Def not in Custody ☒Def in Custody

Kelleher / Smith / Andrews / Coleman present for State

State / Def requests continuance of Prelim

☐Court Orders Prelim Conference continued to: 09-25-17 at 1:30 p.m.

☐Court Orders Prelim Hearing continued to: 09-27-17 at 1:30 p.m.

☐Def waives Prelim – Court binds Def over to District Court

☐Case set for District Court Arraignment on at Assigned to:

☐Stipulation and Motion to Continue Prelim has been filed.

☐Def is being considered for:

Mental Health Court / DUI Court / Drug Court / Veterans Court

☒Def previously waived right to speedy prelim

☐Def waives right to speedy prelim

☐Defense addresses Court regarding bond.

☐Preliminary Hearing going forward on Wednesday, at 1:30 p.m.

021550 End

FILED

2017 SEP 18 PM 2:36

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

DEPUTY

STATE OF IDAHO, Plaintiff, vs. Jacob Farrell, Defendant,	)	CASE NO. CR-2017-2016 (X) NOTICE OF PRELIMINARY CONFERENCE (X) NOTICE OF PRELIMINARY HEARING ( ) NOTICE OF SENTENCING ( ) NOTICE OF HEARING ON _____

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

(X) PRELIMINARY CONFERENCE to begin at 1:30 p.m., on the 27 day of September, 20 17.

(X) PRELIMINARY HEARING to begin at 1:30 p.m., on the 27 day of September, 20 17.

( ) SENTENCING to begin at _____, __.m. on the _____ day of _____, 20_____.

( ) HEARING to begin at _____, __.m. on the _____ day of _____, 20_____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 18 day of September 20 17.

BY ORDER OF:

MICHELLE M. EVANS
Judge

Clerk

(X) Copy to Prosecuting Attorney

(X) Copy handed to Defendant

( ) Copy mailed to Defendant

(X) Copy mailed/handed/placed in basket to Defendant's Attorney

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY · EX-OFFICIO AUDITOR AND RECORDER · STATE OF IDAHO

Moneysaver Printshop 36435

DISTRICT COURT, JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF NEZ PERCE
1230 MAIN ST.
LEWISTON, IDAHO 83501

CASE TITLE: **State of Idaho vs. Jacob David Farrell**	)	JUDGE: Jeffrey C. Mahoney **WILLIAM O. HAMLETT**
HEARING TYPE: Preliminary Conference	)	CLERK: _____
PLF ATTY: Justin J. Coleman	)	Magistrate Courtroom #3
DEF ATTY: Rick Cuddihy PD 2017	)	CASE #: **CR-2017-0002016**
Monday, 25 September, 2017	)	TIME: _____

BE IN KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

033100 Start

Def present with / without counsel ☐Def not in Custody ☒Def in Custody

Kelleher / Smith / Andrews / Coleman present for State

State / Def requests continuance of Prelim

☐Court Orders Prelim Conference continued to: at 1:30 p.m.

☐Court Orders Prelim Hearing continued to: at 1:30 p.m.

☒Def waives Prelim – Court binds Def over to District Court

☒Case set for District Court Arraignment on 09-28-17 at 1:30pm Assigned to: Gaskill

☐Stipulation and Motion to Continue Prelim has been filed.

☐Def is being considered for:

Mental Health Court / DUI Court / Drug Court / Veterans Court

Preserve Suppression Rights.

☐Def previously waived right to speedy prelim

☐Def waives right to speedy prelim

☐Defense addresses Court regarding bond.

☐Preliminary Hearing going forward on Wednesday, at 1:30 p.m.

_____End 093947

Second Judicial District Court, State of Idaho
In and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

FILED

2017 SEP 26 PM 1:33

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

STATE OF IDAHO,	)	
Plaintiff,	)	
vs.	)	Case No: CR-2017-0002016
Jacob David Farrell,	)	**NOTICE OF HEARING**
Defendant.	)	

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Arraignment	Thursday, September 28, 2017	01:30 PM
Judge:	Jay P. Gaskill DJ	

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Tuesday, September 26, 2017.

Defendant: Jacob David Farrell
1145 University St
Clarkston, WA 99403
Mailed_____ Hand Delivered_____

Private Counsel: Rick Cuddihy PD 2017
P.O. Drawer 717
Lewiston, ID 83501
Mailed_____ Hand Delivered ✓

Prosecutor: Justin J. Coleman
Mailed_____ Hand Delivered ✓

Dated: Tuesday, September 26, 2017
Patty O. Weeks
Clerk Of The District Court

By: _____
Deputy Clerk
DOC22 7/96

FILED

2017 SEP 26 PM 1:33

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

State of Idaho	)	
	)	Case No: CR-2017-0002016
vs.	)	
	)	**ORDER BINDING OVER**
Jacob David Farrell	)	
	)	

The defendant having **WAIVED** the Preliminary Hearing in the above entitled matter on this 25th day of September, 2017, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that said defendant be and hereby is bound over to District Court for trial on the charge(s) of:

COUNT I: POSSESSION OF A CONTROLLED SUBSTANCE, I.C. §37-2732(c)(1), a felony.

DATED this 25th day of September, 2017.

MAGISTRATE

THIS CASE HAS BEEN ASSIGNED TO:

☐ JEFF M. BRUDIE, DISTRICT JUDGE
☒ JAY P. GASKILL, DISTRICT JUDGE

ORIGINAL

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

FILED

2017 SEP 27 AM 11: 59

PATTY O. WEEKS
CLERK OF THE DIST COURT

DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, [redacted] Defendant.	CASE NO. CR2017-0002016 INFORMATION

JUSTIN J. COLEMAN, Prosecutor, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that JACOB D. FARRELL is accused by this Information of the following crime(s):

COUNT I
POSSESSION OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(c)(1), a felony

That the defendant, JACOB D. FARRELL, on or about the 28th day of March 2017, in the County of Nez Perce, State of Idaho, did unlawfully possess a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

J. Coleman

JUSTIN J. COLEMAN
Prosecutor

COURT MINUTES

CR-2017-0002016

State of Idaho vs. Jacob David Farrell

Hearing type: Arraignment

Hearing date: 9/28/2017

Time: 2:15 pm

Judge: Jay P. Gaskill DJ

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2017

Prosecutor: April Smith

21514 Defendant present, in custody, with counsel.

State's Information previously filed for the crime of Possession of a Controlled Substance.

21651 Defendant understands the charge.

21701 Defendant understands the penalties.

21711 Defendant's name, date of birth and social security number are correct.

21714 Defendant waives the reading of the Information.

21722 Defendant enters plea of not guilty. Jury trial set for 1-8-18 at 9 a.m., pretrial motions along with supporting briefs due 11-16-17, responsive briefing due 12-7-17, pretrial motions will be heard 12-14-17 at 2:30 p.m. if no motions are filed there will not be a hearing and final pretrial conference set for 12-28-17 at 2:30 p.m.

21835 Court recess.

FILED

2017 OCT -3 AM 11:08

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	CASE NO. CR17-02016
	)	
vs.	)	ORDER SETTING JURY TRIAL
	)	AND SCHEDULING PROCEEDINGS
JACOB D. FARRELL,	)	
	)	
Defendant.	)	
	)	

The above-entitled case is hereby scheduled as follows:

JURY Trial shall commence on January 8, 2018 at the hour of 9:00 a.m.;

All pre-trial motions shall be filed on or before; November 16, 2017;

Supporting Briefs due: November 16, 2017;

Responding Briefs due: December 7, 2017;

All pre-trial motions shall be heard at the hour of 2:30 p.m. on Thursday, December 14, 2017, with the defendant personally present at said hearing. If no motions are filed, there will be no hearing on this date.

Final pre-trial conference and the date and time by which plea bargaining must be completed December 28, 2017 at 2:30 p.m.

The Court uses the following instructions from ICJI and it is not necessary for counsel to submit them: 102, 103, 104, 105, 106, 202, 204, 206, 207, 208 and 301.

Dated this 3rd day of October, 2017.

JAY P. GASKILL-District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER SETTING JURY TRIAL AND SCHEDULING PROCEEDINGS was:

___✓___ hand delivered via court basket, or

_____ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 3rd day of October, 2017, to:

Rick Cuddihy
P O Drawer 717
Lewiston ID 83501

Justin Coleman
P.O. Box 1267
Lewiston, ID 83501

PATTY O. WEEKS, Clerk

By _____
Deputy

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY
EX-OFFICIO AUDITOR AND RECORDER
STATE OF IDAHO

ORIGINAL

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

FILED

2017 OCT -5 PM 4: 30

PATTY O. WEEKS
CLERK OF THE DIST COURT

DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR2017-0002016 REQUEST FOR DISCOVERY

TO THE ABOVE-NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence and materials:

1. Books, papers, documents, photographs, tangible objects or portions thereof, which are within the possession, custody, or control of the defendant, and which the defendant intends to introduce in evidence at trial;

2. All results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a

witness whom the defendant intends to call at the trial, when the results or reports relate to testimony of the witness;

3. A list of names and addresses of witnesses the defendant intends to call at trial.

4. Please provide the State with a written summary or report of any expert witness testimony that the Defendant intends to introduce pursuant to Idaho Criminal Rules 702, 703 and 705 at trial or hearing in the above-captioned matter. Said summary must describe the expert's opinions, the facts and data for those opinions and the expert's qualifications. This request shall also include any expert opinions regarding mental health pursuant to Idaho Code Section 18-207.

The undersigned further requests permission to inspect and copy said information, within 14 days from the date of this request at the Prosecuting Attorney's Office, Lewiston, Idaho.

REQUEST FOR NOTICE OF DEFENSE OF ALIBI

Pursuant to Idaho Code Section 19-519 and Idaho Criminal Rule 12.1, the Prosecuting Attorney requests that you serve upon his office within ten days of your receipts of this request a written notice of the intention of your client to offer a defense of alibi in the above-referenced matter.

Such notice must state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 4th day of October 2017.

JUSTIN J. COLEMAN
Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing REQUEST FOR DISCOVERY was

(1) _____ hand delivered, or

(2) ___✓___ hand delivered via court basket, or

(3) _____ sent via facsimile, or

(4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy
KNOWLTON & MILES, PLLC
312 17th Street
P.O. Drawer 717
Lewiston, ID 83501

DATED this 5th day of October 2017.

Shelly L. Damato

SHELLY L. DAMATO
Executive Sr. Legal Assistant

COURT COPY SSIC-1

Sun Surety Insurance Company

21 Main St., Rapid City, South Dakota 57701 · Telephone: 605-348-1000

POWER OF ATTORNEY

VOID IF NOT ISSUED BY: Sep 30 2018

POWER AMOUNT $ $15,000.00

POWER NO. SS-15-31403

KNOW ALL MEN BY THESE PRESENTS that Sun Surety Insurance Company, a corporation duly organized and existing under the laws of the State of South Dakota and by the authority of the Resolution adopted by the Board of Directors at a meeting duly called and held on June 9, 1998 which said Resolution has not been ~~amended or~~ rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent Lewis Clark its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitations, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Immigration Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once. The obligation of the company shall not exceed the sum of

FIFTEEN-THOUSAND DOLLARS ($15,000.00)

and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, SUN SURETY INSURANCE COMPANY has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 20 day of October, year 2017.

Bond Amount $ 10,000.

Defendant Jacob David Farrell

Charges Possession

Court / Date 12-14-17

Case No. 17-2016

City Lewiston State ID

If rewrite, original P/A No.

Attorney-in-fact Lewis Clark

SUN SURETY INSURANCE COMPANY · INCORPORATED APRIL 20, 1998 · SOUTH DAKOTA

By Patrick Wood

Patrick Wood
President

SSIC-LPOA

Sun Surety
Insurance Company
PO Box 2373
Rapid City, S.D. 57709

SEND ALL COURT NOTICES TO:
SUN SURETY INSURANCE COMPANY
PO Box 2373, Rapid City, South Dakota, 57709
AND
A Alley Dog Bail Bonds
1310 12th Street, Lewiston, ID 83501

FILED
2017 OCT 23 AM 6:51
PATTY O. WEEKS
CLERK OF THE DIST. COURT
DEPUTY

APPEARANCE BOND

IN District **COURT, STATE OF IDAHO**

STATE OF

COUNTY OF Nez Perce

Idaho Vs. Farrell

CR17-2016

KNOW ALL MEN BY THESE PRESENTS:

That we, Jacob David Farrell as Principle and SUN SURETY INSURANCE COMPANY,

As surety **(Identified by attached Power of Attorney No.)** : SS-15-31403

Are held and firmly bound unto the District Court, Lewiston City, Nez Perce County Idaho

In the sum of Ten Thousand dollars, for the payment whereof well and truly to be made

We bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by these presents.

Signed and sealed this 20 day of October, A.D. 20 17

The condition of this obligation is such that if the said Jacob David Farrell principle,

Shall appear at the next regular or special term of the District (Name)

Court Lewiston (Location) to be held in and for said County to answer a charge of

Possession

Said Court and not depart the same without leave then this obligation is void, otherwise to remain if full force and effect.

Taken before and approved by me:

_____ _____ (L.S.)

BY _____ Tom von Schre (L.S.)
Attorney-In-Fact

THIS BOND NOT VALID UNLESS ACCOMPANIED BY AN INDIVIDUALLY NUMBERED POWER OF ATTORNEY PROPERLY EXECUTED, OR IF MORE THAN ONE (1) POWER OF ATTORNEY IS ATTACHED.

NOTE: THIS IS AN APPEARANCE BOND AND CANNOT BE CONSTRUED AS A GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS, BACK ALIMONY PAYMENTS, FINES OR WAGE CLAIMS, NOR CAN IT BE USED AS A BOND ON APPEAL.

CERTIFICATE OF DISCHARGE OF BOND

PLEASE RETURN FORM TO:
A Alley Dog Bail Bonds
1310 12th Street
Lewiston, ID 83501

This is to certify that I have examined the records of the court and found the liability of SUN SURETY INSURANCE CO for the bond shown with the corresponding power number was terminated on:

_____
Court _____
By _____ (Seal)
Signature of Clerk or other officer of the Court

BOND NO. SS-15-31403
DEFENDANT Jacob David Farrell
AMOUNT $ 10,000
DATE POSTED 10-20-17
CHARGE Possession
CASE NO. 17-2016

FILED

2017 NOV -9 PM 3:18

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

Richard M. Cuddihy, ISB No. 7064
KNOWLTON & MILES, PLLC
312 Seventeenth Street
Post Office Drawer 717
Lewiston, Idaho 83501
Telephone: (208) 746-0103
Fax: (208) 746-0113

Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	**Case No. CR 17-2016**
Plaintiff,	)	
v.	)	**MOTION TO SUPPRESS**
JACOB D. FARRELL,	)	
Defendant.	)	

COMES NOW the defendant, by and through his attorney, Richard M. Cuddihy, and respectfully requests that the Court suppress all evidence relating to the warrant-less seizure of the defendant and any statements made by the defendant; for the reasons that the initial seizure of the defendant and subsequent search of the defendant was conducted in violation of the Idaho Constitution Article 1 § 17, and the U.S. Constitution 4th and 5th Amendments. The initial warrantless seizure of the defendant was without reasonable articulable suspicion; therefore the subsequent arrest and search of the defendant and his automobile was unconstitutional.

ARGUMENT

A traffic stop by an officer constitutes a seizure of the vehicle's occupants and implicates the Fourth Amendment's prohibition against unreasonable searches and seizures. *Delaware v. Prouse*, 440 U.S. 648, 653, 99 S. Ct. 1391, 59 L. Ed. 2d 660 (1979); *State v. Atkinson*, 128 Idaho 559, 561, 916 P.2d 1284, 1286 (Ct. App. 1996). Because a traffic stop is limited in scope and duration, it is analogous to an investigative detention and is analyzed under the principles set forth in *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968). *State v. Stewart*, 145 Idaho 641, 644, 181 P.3d 1249, 1252 (Ct. App. 2008). Under the Fourth Amendment, an officer may stop a vehicle to investigate possible criminal behavior if there is a reasonable and articulable suspicion that the vehicle is being driven contrary to traffic laws. *United States v. Cortez*, 449 U.S. 411, 417, 101 S. Ct. 690, 66 L. Ed. 2d 621 (1981); *State v. Flowers*, 131 Idaho 205, 208, 953 P.2d 645, 648 (Ct. App. 1998). The determination of whether an investigative detention is reasonable requires a dual inquiry--whether the officer's action was justified at its inception and whether it was reasonably related in scope to the circumstances which justified the interference in the first place. *State v. Perez-Jungo*, 156 Idaho 609, 614, 329 P.3d 391, 396 (Ct. App. 2014). The reasonableness of the suspicion must be evaluated upon the totality of the circumstances at the time of the stop. *State v. Ferreira*, 133 Idaho 474, 483, 988 P.2d 700, 709 (Ct. App. 1999). The reasonable suspicion standard requires less than probable cause but more than mere speculation or instinct on the part of the officer. *Id.* An officer may draw reasonable inferences from the facts in his or her possession, and those inferences may be drawn from the officer's experience and law enforcement training. *State v. Montague*, 114 Idaho 319, 321, 756 P.2d 1083, 1085 (Ct. App. 1988).

49-944. STANDARDS FOR WINDSHIELDS AND WINDOWS OF MOTOR VEHICLES — PROHIBITED ACTS — PENALTY.

(1) It is unlawful for any person to place, install, affix or apply any window tinting film or sunscreening device to the windows of any motor vehicle, except as follows:

(a) Nonreflective window tinting film or sunscreening devices shall not be applied to the windshield below the AS-1 line; if no AS-1 line is identifiable on the windshield, nonreflective window tinting film or sunscreening devices shall not be applied to the windshield below a line extending six (6) inches below and parallel to the exposed windshield;

(b) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the front side vents, front side windows to the immediate right and left of the driver, and the rear window;

(c) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than twenty percent (20%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the side windows to the rear of the driver;

(d) Window tinting films or sunscreening devices are materials or devices which are designed to be used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of the sun;

(e) Light transmission is the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material to the amount of total light falling on the product or material;

(f) Luminous reflectance is the ratio of the amount of total light, expressed in percentages, which is reflected outward by the product or material to the amount of total light falling on the product or material.

(2) No person shall operate on the public highways, sell, or offer to sell any motor vehicle with a windshield or windows which are not in compliance with the provisions of this section.

(3) Persons who own a motor vehicle with a windshield or windows not in compliance with the provisions of this section on June 30, 1992, shall not be charged with a violation of the provisions of this section until January 1, 1993. Persons owning a motor vehicle with a windshield or windows not in compliance with the provisions of this section on June 30, 1992, shall have until January 1, 1993, to obtain a certificate from the Idaho state police indicating that the person owned the motor vehicle containing a windshield or windows not in compliance with the provisions of this section on or before June 30, 1992. The certificate shall be carried in the vehicle. A person operating a motor vehicle with a valid certificate as provided in this subsection shall not be deemed to be violating the provisions of this section on or after January 1, 1993. The Idaho state police may promulgate rules in order to implement the provisions of this section.

> **(4)** Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than seventy percent (70%) plus or minus three percent (3%) for the front windshield and not less than twenty percent (20%) plus or minus three percent (3%) for the windows, with a luminous reflectance of no more than thirty-five percent (35%) plus or minus three percent (3%) in each instance, is permitted for a motor vehicle operated by, or carrying as a passenger, a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight or heat for medical reasons associated with past or current treatment; such written verification shall be carried in the vehicle.
> **(5)** Nothing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the windshield or windows of which are composed of, covered by, or treated with, any material, substance, system, or component with which the motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment from the manufacturer or authorized dealer under any United States government statute or regulation governing such sale at the time of manufacture.

There are no Idaho cases on point concerning this issue. However, in *State v. Salois*, 144 Idaho 344, 160 P.3d 1279 (Ct. App. 2007). Idaho Courts addressed the detention of a motor vehicle concerning the display of a temporary permit. "In *Salois*, the defendant was stopped based on the display of a temporary registration permit. There, we rejected the state's argument that the mere presence of a temporary permit provided reasonable suspicion to perform a traffic stop to investigate its validity and held:

> [T]he presence of a properly displayed temporary permit, subject to the discussion below, dispels any reasonable suspicion of a violation of I.C. § 49-456(1). To hold otherwise would allow law enforcement officers of this state *unfettered discretion to stop each and every vehicle being operated with a temporary registration to "investigate" its validity*. To the contrary, an *officer must have a reasonable suspicion of criminal activity before a traffic stop is initiated, not after*. A temporary permit displayed in compliance with I.C. § 49-432([4]) carries with it a presumption of validity, not of invalidity. The mere existence of the properly placed temporary permit cannot serve as the basis for reasonable suspicion to allow an officer to stop a vehicle to inspect the permit unless the invalidity of the permit, such as by improper alteration, is obvious and discernable by the officer prior to stopping the vehicle. The State's position would allow law enforcement officers to presume that temporary permits are invalid *per se*, justifying an officer to stop a vehicle in order to conduct further inspection concerning the legitimacy of the temporary permit. We reject that position."

Here the reason for the stop was the officer suspected the defendant's vehicle was in violation of the window tint statute 49-944. Here, the officer wanted to find a reason to stop the vehicle to deploy his canine to check for the presence of drug odor. After performing a window tint test that showed the rear window had 25% transmission of light, the officer asked another officer to issue a window tint citation. The officer subsequently deployed his canine around the vehicle over the objections of the defendant. After the officer observed the canine alert, the officer detained the defendant and passenger for questioning and a subsequent vehicle search. The officer arrested the defendant for possession of paraphernalia. Over the passengers objections officers searched her. The officers found methamphetamine in the vehicle and a trafficking weight of heroin on the passenger.

However during the initial window tint investigation the officer never checked the window to see if the tinting was installed on the vehicle when new, by the manufacturer/dealer. According to Idaho Code it is not illegal to operate a motor vehicle when the windows are tinted by the manufacturer or authorized dealer in accordance with any United States government statute or regulation governing such sale at the time of manufacturer. Idaho Code 49-944(5) provides an exception to a window tint violation.

The vehicle being driven by the defendant in this case was a General Motors 2006 Chevrolet. Clearly visible, properly affixed by the manufacturer GM, are markings on the rear window installed by the manufacturer GM showing the rear window is Tempered G, DOT – 476 AS-3 M-AT 014, TRANS. 20%. The parts list and VIN confirm the window was installed on all vehicles of this make and model by the factory. Therefore, the operation of this vehicle is not a violation of I.C. 49-944 and as such can not form the basis for a detention. The language in *Salois* applies in this case;

> "To hold otherwise would allow law enforcement officers of this state *unfettered discretion to stop each and every vehicle being operated with a [tinted windows]to "investigate" its validity*. To the contrary, an *officer must have a reasonable suspicion of criminal activity before a traffic stop is initiated, not after*.

The facts here are similar to the facts in *Salois*. In both cases the officers failed to observe in both rear windows a properly affixed temporary registration in *Salois* and a manufacturer's sticker. In both cases the vehicles were operated in compliance with the law the officers allege they were violating.

Should the Court find the detention of the defendant for the window tint violation was reasonable, the court should find the officer unreasonably extended the duration of the stop by performing a tint test and issuing a citation for a charge unsupported by law. The United States Supreme Court has stated that an investigative detention "must be temporary and last no longer than is necessary to effectuate the purpose of the stop." *Florida v. Royer*, 460 U.S. 491, 500 103 S.Ct. 1319, 1325, 75 L.Ed.2d, 229 (1983). *See also State v. Goodwin*, 121 Idaho 491, 501, 826 P.2d 452, 462 (1992); *Martinez*, 136 Idaho at 440-41, 34 P.3d at 1123-24. An individual "may not be detained even momentarily without reasonable, objective grounds for doing so." *Royer*, 460 U.S. at 498.

Here, the rear window prominently displayed markings verifying the window was in compliance with the statute. The officer walked by the rear window, ignored the factory marking and performed a tint test. The performance of this test was unreasonable since the markings verified the window was legal. The officer delayed the stop further by asking a second officer to

write an improper citation while he preformed a canine search. The officer detained the defendant without reasonable, objective grounds for doing so.

Under the totality of the circumstances the initial stop of the defendant was unreasonable. Since he could not identify the vehicle the defendant was driving was driving contrary to the law; the traffic stop was made without is articulable suspicion. Therefore the detention of the defendant was illegal and any evidence after the illegal seizure should be suppressed.

ORAL ARGUMENT and leave to adduce testimony is hereby requested, as no preliminary hearing was held in this matter.

DATED this 9th day of November, 2017.

KNOWLTON & MILES, PLLC

Richard M. Cuddihy

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 9th day of November, 2017, I caused a true and correct copy of the foregoing to be:

[X] ~~Hand Delivered via Valley Messenger Service~~ Faxed

to the following:

Nez Perce County Prosecuting Attorney
Lewiston, Idaho 83501
Fax: 208-799-3080

Stephanie Burke
A Member of the Firm

ORIGINAL

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

FILED

2017 DEC -7 PM 4: 36

PATTY O. WEEKS
CLERK OF THE DIST COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR2017-0002016 STATE'S OBJECTION TO MOTION TO SUPPRESS EVIDENCE

JUSTIN J. COLEMAN, Prosecuting Attorney for Nez Perce County, State of Idaho, comes before the Court and submits the following in response to the Defendant's Motion to Suppress Evidence in the above case.

The State objects to the Defendant's Motion to Suppress Evidence. In order to adequately respond to this Motion, the State will need to Subpoena witnesses to testify before this Court. The State respectfully requests that an Evidentiary Hearing be scheduled in order to allow such testimony to be presented for consideration and oral argument can be heard.

DATED this _____ day of December 2017.

JUSTIN J. COLEMAN
Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing STATE'S OBJECTION TO MOTION TO SUPPRESS EVIDENCE was

(1) _____ hand delivered, or

(2) ✓ hand delivered via court basket, or

(3) _____ sent via facsimile, or

(4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy
KNOWLTON & MILES, PLLC
312 17th Street
P.O. Drawer 717
Lewiston, ID 83501

DATED this 7th day of December 2017.

Shelly L. Damato
Executive Sr. Legal Assistant

COURT MINUTES

CR-2017-0002016

State of Idaho vs. Jacob David Farrell

Hearing type: Pretrial Motions

Hearing date: 12/14/2017

Time: 2:34 pm

Judge: Jay P. Gaskill DJ

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2017

Prosecutor: April Smith

23405 Defendant present with counsel.

23415 Mr. Cuddihy addresses the Court and he spoke with the prosecutor and he is not going to present any testimony the only issue is the window tinting. Parties will stipulate to the admission of the video and any other accompanying affidavits or info and will be filed with briefing. Mr. Cuddihy has no objection to giving the prosecutor an additional week to file brief and Mr. Cuddihy requests an additional week to respond if necessary and then the parties will submit.

23500 State to file brief by next Thursday (12-21-17) and Mr. Cuddihy to contact the Court if he needs time to respond and if not the Court will deem submitted.

23620 Ms. Smith indicates the State will attach video and any other additional info to the State's brief.

23625 Court recess.

FILED

2017 DEC 14 AM 10: 40

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

Richard M. Cuddihy, ISB No. 7064
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Telephone: (208) 746-0103
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Attorneys for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, **Plaintiff,** vs. **JACOB FARRELL,** **Defendant.**	**Case No.: CR 17-2016** **AFFIDAVIT OF RICHARD M. CUDDIHY**

STATE OF IDAHO)
: ss.
County of Nez Perce)

RICHARD M. CUDDIHY, being first duly sworn upon oath, deposes and says:

1. I am currently the Attorney of record for the above-named Defendant in the above-entitled matter.

2. The picture attached hereto is an accurate picture of the Defendant's car window in relation to the above-entitled matter.

DATED this 14th day of December, 2017.

Richard M. Cuddihy

SUBSCRIBED and sworn to before me this 14th day of December, 2017.

STEPHANIE BURKE NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
My Commission Expires: 10-8-18

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 14th day of December, 2017, I caused a true and correct copy of the foregoing **Affidavit** to be:

[x] delivered by fax to the following:

Nez Perce County Deputy Prosecutor
Lewiston, ID 83501
Fax: 208-799-3080

KNOWLTON & MILES, PLLC

A member of the firm


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FILED

2017 DEC 27 AM 11: 59

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR2017-0002016 STATE'S RESPONSE TO DEFENDANT'S MOTION TO SUPRESS

STATEMENT OF FACTS

The facts of the case are not in dispute by counsel and are supplemented by officer reports (attached as Exhibit A), video evidence from the stop (attached as Exhibit B) and affidavit supplied by the defense in lieu of testimony. On March 27, 2017, Detective Cody Bloomsburg (hereinafter Det. Bloomsburg) received information that Jacob Farrell (hereinafter Farrell) had obtained a supply of heroin that night and that he would be with his girlfriend, Katie Seubert (hereinafter Seubert) and they would be travelling in Lewiston. This information came from a credible and reliable confidential source Det. Bloomsburg had worked with previously. Det. Bloomsburg also received information from another confidential informant that Seubert would conceal the drugs on or in her person during a traffic

stop. Det. Bloomsburg relayed this information to Detective Brett Dammon (hereinafter Det. Dammon).

Separately, Det. Dammon had received information on March 27, 2017, that Mr. Farrell was leaving the area to resupply on heroin. The information that Det. Dammon received came from a reliable source that had he had worked with on previous occasions. Det. Dammon's confidential source had received this information personally before relaying it to Det. Dammon. Det. Dammon was later informed that Farrell had returned to Lewiston.

On March 28, 2017, Officer Chris Reese (hereinafter Ofc. Reese) with the Lewiston Police Department was working on patrol and was contacted by Det. Dammon about Farrell. Det. Dammon relayed the information to Ofc. Reese that Farrell had returned to Lewiston, Idaho with a large amount of heroin and would be driving a silver 2006 Chevy HHR with a Washington plate of ANN8251. Det. Dammon instructed Ofc. Reese to stop the vehicle based on the reasonable suspicion that Farrell was transporting a large amount of narcotics.

At approximately 1:40 pm, Officer Reese passed a vehicle that matched the description given by Det. Dammon and he matched the plate number to the one he had been given. Ofc. Reese also observed that the back window of the vehicle appeared to be too dark to be in compliance with Idaho Code 49-944. Based on the information from Det. Dammon and the apparent violation of Idaho Law for window tint, Ofc. Reese stopped the vehicle.

Ofc. Reese identified the driver of the vehicle as Seubert and noted that Farrell was inside the car and in the passenger seat. Ofc. Reese checked the tints on the rear passenger windows and the rear window. After he wiped off the dust

from the rear window he took "several measurements" with the tint meter, all of which came back at 25%, in violation of Idaho Code 49-944. While an assisting officer wrote the citation for the code violation, Ofc. Reese ran his K-9 around the vehicle and the K-9 alerted to the presence of narcotics. Due to the K-9 alert a search of the vehicle was performed by officers.

The subsequent search of the vehicle and the individuals inside found various drug paraphernalia of syringes, spoons with residue, empty plastic zip lock baggies, a digital scale with residue, a small zip lock baggie that contained suspected methamphetamines, a methamphetamine pipe, and a container with approximately 20.6 grams of heroin inside. The methamphetamine pipe and the heroin were found on Seubert's person.

ISSUES

I. Whether the stop of the vehicle for a window tint violation was lawful?

II. Whether or not Ofc. Reese had sufficient reasonable suspicion to stop the vehicle beyond the window tint violation?

ANALYSIS

I. Ofc. Reese had reasonable articulable suspicion to stop the vehicle based on a window tint violation under Idaho Code 49-944.

The defendant's motion to suppress evidence should be denied because the evidence was seized pursuant to a lawful traffic stop. A traffic stop is a seizure that implicates the Fourth Amendment of the Constitution, which protects against unreasonable searches and seizures. *State v. Kimball*, 141 Idaho 489, 491, 111 P.3d 625, 627 (Ct. App. 2005); *Delaware v. Prouse*, 440 U.S. 648, 653, 99 S. Ct. 1391, 1396 (1979). A stop is reasonable and lawful if an officer has reasonable suspicion that a "vehicle is being driven contrary to traffic laws or that other

criminal activity is afoot." *Id.*; *United State v. Cortez*, 449 U.S. 411, 417, 66 L. Ed. 2d 621, 101 S. Ct. 690 (1981); *In re Driver's Suspension of Deen*, 131 Idaho 435, 436, 958 P.2d 592, 593 (1998)." Reasonable suspicion requires less than probable cause but more than speculation" and is "evaluated upon the totality of the circumstances at the time of the stop." *State v. Van Dorne*, 139 Idaho 961, 963, 88 P.3d 780, 782 (Ct. App. 2004). An officer's *mistake of fact* does not necessarily warrant a stop unconstitutional or negate reasonable suspicion if the officer's mistake is in good faith and objectively reasonable under the circumstances. *State v. McCarthy*, 133 Idaho 119. A police officer's reasonable, good-faith mistake does not violate a person's Fourth Amendment rights. *Heien v. North Carolina*, 135 S. Ct. 530, 539 (2014).

The state of Idaho prohibits a person from operating a vehicle on a public highway with windows darker than defined in Idaho Code 49-944. The statute provides "[i]t is unlawful for any person to place, install, affix or apply any window tinting film or sunscreening device to the windows of any motor vehicle..." The statute goes on to provide several exceptions that are allowed including in section 49-944(5) which reads "[n]othing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the windshield or windows of which are composed of, covered by, or treated with, any material substance, system, or component with which the motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment from the manufacturer or authorized dealer under any United States government statute or regulation governing such sale at the time of manufacture."

In this case, Ofc. Reese was able to make a determination while driving past the vehicle that the rear window was likely in violation of Idaho code. When Ofc. Reese then tested the tint with a window tint meter, his visual determination was confirmed that the window tint was darker than allowed in Idaho Code 49-944. Based on the Officer's visual approximation that was later confirmed by the window tint meter, Ofc. Reese had reasonable articulable suspicion to stop the vehicle and pursue writing a traffic citation based on his personal observations for this violation alone. Furthermore, there is no evidence in the police report, videos, or pictures taken in the course of the investigation that would suggest that the tint on the windows was a standard manufacturing feature which would have been allowed. If the court was to find evidence of this fact, then the court would next need to determine if this mistake of fact made by the officer was made in good faith and objectively reasonable under the circumstances. Where the officer observed the window appearing darker than allowed by Idaho law and stopped the vehicle, in part, because of this observation, no violation of Farrell's constitutional rights occurred and the court should deny the defendant's motion to suppress.

II. Ofc. Reese had Reasonable Suspicion to stop the vehicle based of the information that Farrell was inside the vehicle with narcotics

The Idaho Supreme Court has held that a person may be detained by an officer even though he does not possess probable cause; the seizure is justified under the Fourth Amendment if there is an reasonable articulable suspicion that the person has committed or is about to commit a crime. *State v. Rawlings*, 121 Idaho 930, 932, 829 P.2d 520, 522 (1992) (rehearing denied)(citing *Florida v. Royer*, 460 U.S. 491 (1983)). The reasonable suspicion standard requires less than probable cause, but more than speculation or instinct on the part of an officer. *Id.* at 664.

An investigatory stop must be justified by some objective manifestation that the person stopped is, or is about to be, engaged in criminal activity. *United States v. Cortez*, 449 U.S. 411(1981). The reasonableness of the suspicion must be evaluated upon the totality of the circumstances at the time of the stop. *Mason v. State Department of Law Enforcement*, 103 Idaho 748, 750, 653 P.2d 803, 805 (Ct.App. 1982). In order to detain a person for purposes of an investigatory stop, law enforcement officers must have specific facts which would "warrant a man of reasonable caution in the belief' that the action taken was appropriate"—that a traffic law has been violated or that some criminal activity has been or is about to be committed. *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968); *see also United States v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975); *State v. Fry*, 122 Idaho 100, 103, 831 P.2d 942, 945 (Ct. App. 1991). An officer conducting a stop does not need personal knowledge of all the facts that establish reasonable suspicion as long as there is collective knowledge of all the law enforcement personnel involved in the investigation. *United States v. Hensley,* 469 US 221, 105 S.Ct. 675 (1985). An officer has reasonable articulable suspicion to conduct a stop when the information comes from anonymous informants which carry sufficient indicia of reliability. *Alabama v. White*, 496 U.S. 325, 110 S.Ct. 2412 (1990). A confidential informant's tip is sufficient to create reasonable articulable suspicion for a stop when the tip is reliable. *State v. Widner*, 155 Idaho 840, 317 P.3d 737 (2013). *State v. Bishop* establishes the factors to determine if a tip is reliable. Those factors are:

> Whether the informant reveals his or her identity and the basis of his or her knowledge, whether the location of the informant is known, whether the information was based on first-hand observations of events as they were occurring, whether the information the informant provided was subject to immediate confirmation or corroboration by police, whether the informant has previously provided reliable information, whether the informant provides

predictive information, and whether the informant could be held criminally liable if the report were discovered to be false. *Id.*

In this case, Ofc. Reese was contacted by Det. Dammon and was told that there was reasonable suspicion from the information that Det. Dammon had received to believe that the vehicle described would have Seubert and Farrell inside, along with a large quantity of heroin. The information that Det. Dammon had received came from two separate reliable confidential informants. The informant gave information that Farrell was leaving town to resupply heroin and had come back to the Lewis-Clark Valley with the heroin. Further, this informant had previously given Det. Dammon reliable information and had received this information personally from Mr. Farrell. In addition, Det. Bloomsburg had received information from a different confidential informant also regarding Farrell leaving town to resupply on heroin. Det. Bloomsburg also states that the source of this information was from a reliable and credible confidential informant.

The information Ofc. Reese received from Det. Dammon, based on collective knowledge, was sufficient reasonable articulable suspicion to stop the Chevy HHR because the confidential informants that shared this information with Det. Dammon and Det. Bloomsburg were reliable and credible confidential informants. Thus, Ofc. Reese had reasonable articulable suspicion to stop the vehicle and pursue a drug investigation even before noticing the violation of window tint. The stop did not violate the defendant's constitutional rights.

Based on the above facts and arguments the State respectfully asks the Court to deny the Defense motion to suppress.

DATED this 27th day of December 2017.

JUSTIN J. COLEMAN Prosecutor

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing MOTION was

(1) _____ hand delivered, or

(2) __**X**__ hand delivered via court basket, or

(3) _____ sent via facsimile, or

(4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy
KNOWLTON & MILES, PLLC
312 17th Street
P.O. Drawer 717
Lewiston, ID 83501

DATED this 27th day of December 2017.

ERIN D. LEAVITT
Senior Legal Assistant

Narrative:

Lewiston Police Department

Case Number: 17-L4201
Officer Name & Number: Chris Reese #357
Date: 3.28.2017
Typed by: 357

On March 28, 2017, I was contacted by Detective Dammon in reference to information he had received involving drug activity in Lewiston. He told me that he had received reliable and recent information that Jacob D. Farrell had just returned to Lewiston after purchasing a large amount of heroin from out of the area. I am familiar with Jacob, as narcotic detectives had been providing me information regarding him being involved in the sales and distribution of heroin in the LC Valley. Detective Dammon informed me that Jacob was said to be driving a silver 2006 Chevy HHR with Washington plate ANN8251, which is registered to Jacob's mother, Kerri Farrell. Detective Dammon requested that if I located the vehicle, I stop it based upon his reasonable suspicion that it was involved in drug activity.

At 1340 hours, I was traveling west on Grelle when I passed the above-mentioned vehicle heading eastbound. I confirmed the vehicle's plate to be ANN8251 as it drove past me. I also noticed that the vehicle's window tint appeared to be darker than what is allowed by law, specifically the rear windshield. I turned around and activated my overhead emergency lights in an attempt to stop the vehicle based upon the equipment violation, as well as the reasonable suspicion provided to me. I also requested a cover officer respond to my location.

The vehicle pulled over in the 1700 block of Grelle Avenue. I contacted the driver, who verbally identified herself as Katie A.T. Seubert. The passenger verbally identified himself as Jacob D. Farrell. I informed them that I was stopping them for the window tint violation. Both seemed surprised to know that their window tint would be in violation. I opted not to inform them of the drug investigation at that time.

Jacob was able to provide me the registration for the vehicle. Katie was using her phone to pull up the vehicle insurance information. While waiting for her do to this, I looked in the rear floorboard and could see a blue "Pelican" type case directly behind the drivers seat. During this time, I noted that Detective Erickson had arrived at my location. He overheard me request a cover officer and was only a few blocks away.

After obtaining the information for the vehicle, I returned to my vehicle and provided Communications the occupants' information. I then obtained my window tint meter and checked the window tint on the rear passenger's windows and the rear windshield. The front windows were very transparent so I did not test these. The rear passenger windows read 25%, which is in accordance to Idaho law. I then went to test the rear windshield. Jacob stated he was unable to release the rear window so he unlocked the entire back hatch and opened it up for me to test. I wiped the dust off the window and took several measurements, all of which were 25%, which in violation of Idaho law. After this, I had Jacob take a seat back into his vehicle.

I handed Detective Erickson my citation book and asked him if he could start to

fill out a citation for the window tint violation. Since Katie had verbally identified herself, I advised him that he would have to look up her information on my MDC. While he was filling out the citation, I obtained the K-9 and approached the vehicle on lead as it was my intent on deploying the dog around the vehicle for the presence of drug odor. As I was walking up to the vehicle, Jacob stepped out and started to tell me that he was not giving me permission to run the dog around his vehicle. I ordered Jacob to sit back in his vehicle which he did. I also saw a male subject come from across the street and approach the vehicle. He was later determined to be Katie's father. I had to direct my attention to this male and have him walk back across the street prior to deploying the K-9 for my safety as well as his, as he was walking in the middle of the road. The K-9 was deployed at 1349 hours.

The K-9 deployment resulted in an alert for the presence of drug odor coming from within in the vehicle. This alert was consistent with past alerts where narcotics have been found or have been recently. While I was kenneling the K-9, I saw that Officer Olson had arrived and asked him and Detective Erickson to watch the occupants.

After kenneling the K-9, I asked Jacob to step out of the vehicle and speak with me. I read him his rights per Miranda, advising that he was not under arrest, but he was also not free to leave at that time. Jacob began to argue with me in regards to stopping him and as well as running the dog around his car. After a few moments, I informed him that I was going to be searching his vehicle and asked him if there was anything illegal in his vehicle. Jacob told me that there was paraphernalia on his floorboard. He added that it would paraphernalia used for heroin use.

I went to the vehicle and read Katie her rights per Miranda. I asked her if she was aware of anything illegal in the vehicle or on her person and she indicated there wasn't. I had her step out of the vehicle. I then opened up the front passenger door and noted the blue case that was rear floorboard was now in the front floorboard, directly where Jacob was seated. It was also opened, leading me to believe that he had possibly removed something from the case. Inside this case I found two spoons with a brown residue on it, consistent with heroin use. I also found several syringes and a rubber band commonly used as a tourniquet for intravenous drug use. I also found several empty zip lock baggies, a digital scale with brown residue, several torches, and other indicia of drug use. The scale and packaging material is commonly associated with those involved in the sales and distribution of narcotics.

I also found a small, approximately 1 inch by 1 inch, zip lock baggy laying on the floorboard next to the case. Inside was a white crystallized substance that I believed to be methamphetamines.

I walked over and placed Jacob under arrest for possession of the drug paraphernalia. He was handcuffed per policy and placed in the back seat of my patrol car. I removed the blue case from the vehicle and continued to search the vehicle along with Officer Breese, who had also arrived. I briefly went over to speak to Katie's father and informed him that his daughter was not free to leave at that time and she could call him when our investigation is done. He then left.

Officer Breese continued to search the vehicle, however, nothing else of evidentiary value was found. This made me even more suspicious someone had removed contraband from the case and was concealing it on their person. I went

over and asked Katie if she would give consent for a female officer to search her person. She declined. I decided to detain Katie and apply for a search warrant. I explained this to Katie at which time she started to cry. I handcuffed her per policy. She was then given to Officer Olson for him to take her to the Lewiston Police Department in anticipation of applying for a search warrant for her person. By this time, Detective Bloomsburg had arrived. I had called Detective Dammon, advising him that I had stopped Jacob. He informed me that either he or Detective Bloomsburg would come to my location to assist me. I informed Detective Bloomsburg of the investigation up to that point. He started speaking to Katie while I finished searching the vehicle.

Within a few moments, I walked over to where Katie and Detective Bloomsburg where and overheard her say something to the effect of possessing contraband on her person. Detective Bloomsburg told me that Katie admitted to having approximately 20 grams of heroin down her pants as well as a meth pipe in her bra. I requested Officer Earl respond to our location so she could retrieve the contraband.

Within a few minutes, Officers Rigney and Earl arrived. Officer Earl handed me a glass meth pipe she retrieved from Katie bra as well as a green silicone box with "Pineapple Express" written on it. This was retrieved from Katie's pants, near her crotch. I opened up the box and found a large clump of a brown tar-like substance that had the strong odor of vinegar emanating from it, consistent with heroin.

I retained all the evidence seized which included the suspected heroin and methamphetamines, the drug pipe, and the blue case.

I arrested Katie for possession of drug paraphernalia and she was taken to the NPC jail. She was booked on this offense and also issued a traffic citation for the window tint violation. Jacob was also arrested for the paraphernalia possession and booked into the jail.

The suspected heroin weighed 20.6g total product weight. The suspected methamphetamines weighed .5g total packaging weight. Both will be sent off to the lab for analysis. The syringes and torches were discarded. The blue case was placed into evidence. I took photographs of the contraband seized and placed them in the case file. I also retained my Watch Guard in the server. A K-9 deployment record was completed.

Officer Earl and Detective Dammon have completed supplemental reports regarding their involvement with this incident.

Pending the results from the lab, felony charges are pending.

End of Report

K-9 Officer Chris Reese #357

Law Supplemental Narrative:

Supplemental Narratives

Seq	Name	Date	Narrative
2	Bloomsburg Cody	16:47:41 03/28/17	

Lewiston Police Department Supplemental Narrative

Case Number: 17-L4201
Officer Name & Number: Cody Bloomsburg #424
Date: 3/28/17

On 3/28/17, at about 1350 hours, I responded to a traffic stop in the 1700 block of Grelle involving Jacob Farrell and Katie Seubert.

I was familiar with Farrell from on going heroin investigations and had conducted surveillance on him several times. I had received information from a credible and reliable working confidential source on 3/27/17, that Farrell had just resupplied on heroin that night and he would be with his girlfriend, Katie. I had also received information from sources that Farrell's girlfriend would conceal the drugs on or in her person during traffic stops.

Det. Dammon had also received information about Farrell leaving to get heroin from a separate confidential source on 3/27/17.

Once I arrived at the stop I saw Seubert with Ofc. Olson and Farrell was already in Ofc. Reese's patrol car.

I was present when Ofc. Reese told her she was detained and an application would be made for a search warrant for her person to search for drugs. I heard Ofc. Olson tell Ofc. Reese that Seubert had been read Miranda. I told Seubert she would be taken to the police department while I made the application for the search warrant, but I also told her if she wanted to be honest about what she had on her at any point, I would listen.

A few minutes later, Seubert called me back over to speak with her, saying something to the effect of, "Everything on me is mine."

I walked over and asked her if she wanted to be honest now. She said yes. I told her that by choosing to talk then it complicated things, but she still had the right to go to the station and wait to see if a warrant would be approved. She said she thought the warrant would be a certainty. I told her I was confident in my probable cause to search her person, but never said the granting of a warrant would be certain. I had already explained to her that she was detained for me to make an application for a warrant, and it would be up to a judge in the end.

I asked her what she had on her, and she said, "I don't feel comfortable with a guy grabbing it."

I told her we would get a female officer to retrieve it. She then said she had a pipe in her bra and 20 grams of heroin in the seat of her pants.

I told her I did not believe the heroin was hers several times, but she was emphatic that it was hers, and not Jacob's.

"I know it's mine," she said. She said she wouldn't lie about something like that.

I told her I did not want her to feel like she was being coerced and she said, "I know. I'm not." She then said it was her heroin again.

I asked her who she gets her heroin from and she said, "I'm allowed to not be speaking right now, right?"

I broke contact with her then.

I returned and told her it was my intention to arrest her for the possession of the drug paraphernalia once it was recovered by a female officer.

"I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct."

_____ _____

(Date) (Signature)

COURT MINUTES

CR-2017-0002016

State of Idaho vs. Jacob David Farrell

Hearing type: Final Pretrial

Hearing date: 12/28/2017

Time: 2:54 pm

Judge: Jay P. Gaskill DJ

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2017

Prosecutor: April Smith

25436 Defendant not present.

25445 Ms. Smith addresses the Court and the State filed their brief yesterday.

25500 Mr. Cuddihy addresses the Court and would like additional time to responds and believes this matter will resolve on the Court's ruling.

25544 Court vacates 1-8-18 trial setting, Mr. Cuddihy has until 1-11-18 to file his reply brief and the Court will set status conference for 1-18-18 at 1:30 p.m.

25639 Court recess.

FILED

2018 JAN -4 PM 12: 02

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Fax: (208) 746-0118

Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB FARRELL, Defendant.	Case No. CR 17-2016 AFFIDAVIT OF SCOTT FARRELL

STATE OF IDAHO)
: ss.
County of Nez Perce)

SCOTT FARRELL, the above-named Defendant, being first duly sworn on his oath, deposes and says:

1. That I am the Father of the Defendant in the above-entitled matter.

2. That I purchased the vehicle my son was driving when stopped in relation to this matter.

3. That the window tint on that vehicle is factory and I obtained the attached print out from the Chevrolet Dealership showing this.

4. That I took the attached photos of this vehicle and VIN Number which correspond with the information obtained from the dealership.

DATED this 4 day of January, 2018.

SCOTT FARRELL

SUBSCRIBED and SWORN to before me on this 4th day of January, 2018.

STEPHANIE BURKE NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO.
My commission expires: 10-8-18

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 4th day of January, 2018, I caused a true and correct copy of the foregoing **AFFIDAVIT** to be:

[X] Faxed

to the following:

Nez Perce County Prosecutor's Office
Lewiston, ID 83501
Fax: 208-799-3080

KNOWLTON & MILES, PLLC

A member of the firm

Make: Chevrolet Year: 2006 Model: HHR

VIN: 3GNDA23P365562115

C - Chevrolet > 2006 > A - HR1 - 1AS46 - HHR > 12 - BODY MOLDINGS-SHEET METAL-REAR COMPARTMENT HARDWARE-ROOF HARDWARE > (1T12-002) 2006-2008 A LIFTGATE HARDWARE PART 1 >

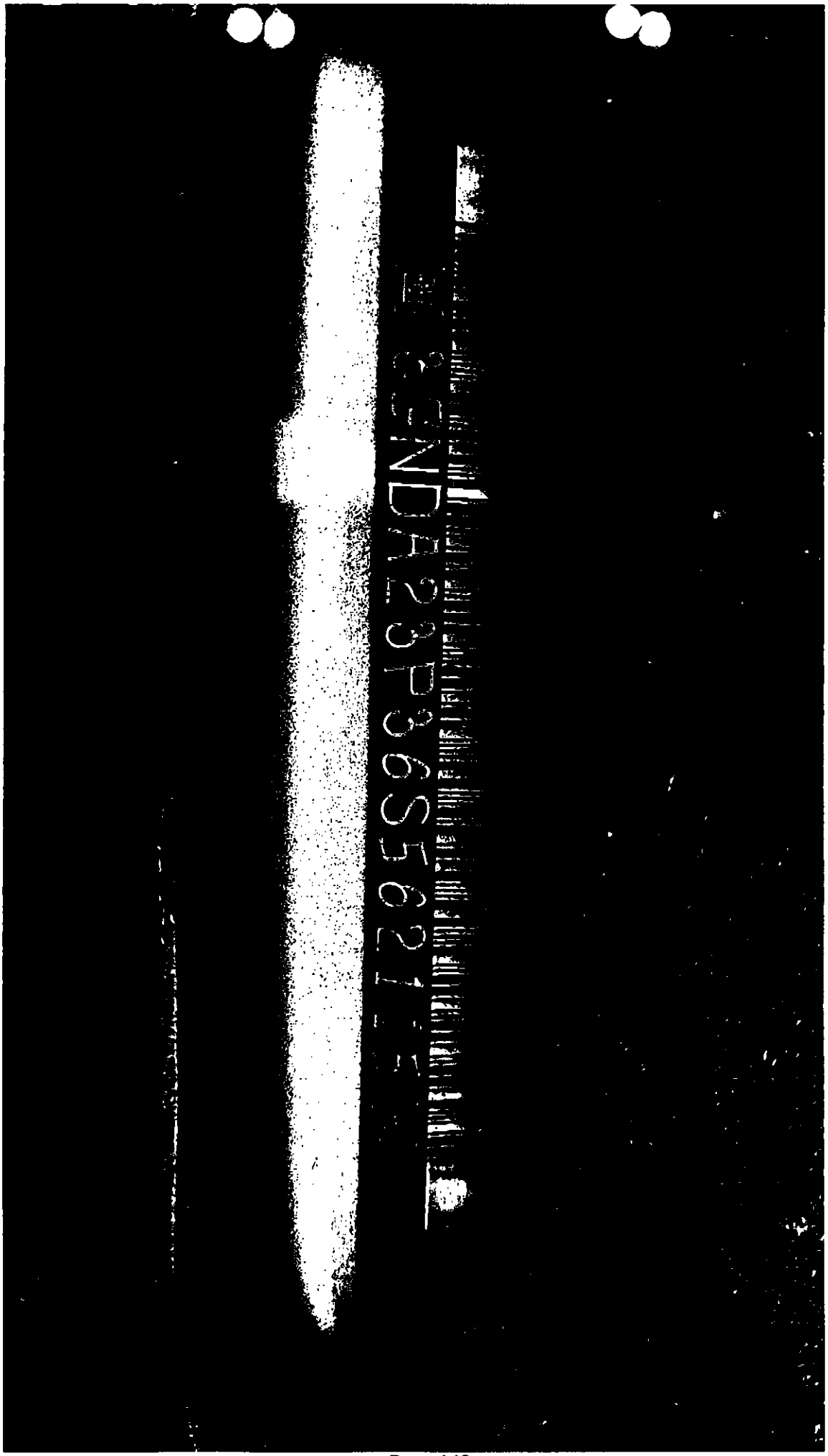
Call	Part #	Group	H	Description	Usage	Year	Qty
1	15786622	12.184		HINGE, L/GATE	A	2006 - 2008	01
2	11589118	08.900		BOLT, HEX HD, W/CON WA, M6X1X26, 16 THD, 20 O.D., 9.8, GMW3359 (L/GATE HGE (L/GATE SI)) (Service Lane Part)		2006 - 2008	01
3	11518095	08.900		BOLT, HWH,M8X1.25X20,11.75 THD,15 OD,9.8,7114M,MACH,617 5M;MAT-PT (L/GATE HGE LINK) (Service Lane Part)		2006 - 2008	
4	11514519	08.915		NUT, HEX W/23.75 OD CON WA,M8X1.25,7.32THK,9,P ZOR (L/GATE HGE (BODY SI)) (Service Lane Part)		2006 - 2008	
5	20903034	12.116	L	MOLDING, Q/PNL UPR RR	A	2006 - 2008	01
5	20905562	12.116	R	MOLDING, Q/PNL UPR RR	A	2006 - 2008	01
6	15227329	12.180		WINDOW, L/GATE (W/DEFOGGER)	A	2006 - 2008	01
7	22709463	12.188		BLADE, R/WDO WPR (ACDelco #22709463) (Service Lane Part)	A	2006 - 2008	01
8	15807605	12.188		ARM, R/WDO WPR (Service Lane Part)	A	2006 - 2008	01
9	11505807	08.915		NUT, M6X1,5.2 THK,10,M300 (R/WDO WPR ARM) (Service Lane Part)		2006 - 2008	
10	[illegible]	[illegible]		BAR, R/WDO WPR ARM (Service Lane Part)	A	[illegible]	[illegible]
11	[illegible]	[illegible]		[illegible] R/WDO WPR [illegible] (Service Lane Part)	A	[illegible]	[illegible]
12	15798613	12.182		APPLIQUE, L/GATE CTR (W/RR LIC PLT LP) (INCLS 12.18) (CHROME)	AS (EXC B57)	2006 - 2006	01

Make: Chevrolet Year 2006 Model: HHR

VIN: 3GNDAZ3P36S562115

C - Chevrolet > 2006 > A - HR1 - 1AS46 - HHR > 11 - REAR GLASS-SEAT PARTS-ADJUSTER > (1T11-001) 2006-2011 A QUARTER WINDOW >

Call	Part #	Group	H	Description	Usage	Year	Qty
1	15869275	DISCON	R	WINDOW, QTR	A46	2006 - 2007	01
1	15869276	11.011	L	WINDOW, QTR	A46	2006 - 2007	01
2		NS		ADHESIVE, Q/WDO		2006 - 2011	


PRESENDENS

* * * Communication Result Report (Jan. 4. 2018 12:24PM) * * *

Date/Time: Jan. 4. 2018 12:21PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1443	Memory TX	NPC Courthouse	P. 6	OK	
		NPC Prosecutors		OK	

Reason for error
E. 1) Hang up or line fail
E. 2) Busy
E. 3) No answer
E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size
E. 6) Destination does not support IP-Fax

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Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR 17-2016
Plaintiff,	)	
	)	AFFIDAVIT OF SCOTT FARRELL
vs.	)	
JACOB FARRELL,	)	
Defendant.	)	

STATE OF IDAHO)
: ss.
County of Nez Perce)

SCOTT FARRELL, the above-named Defendant, being first duly sworn on his oath, deposes and says:

1. That I am the Father of the Defendant in the above-entitled matter.

2. That I purchased the vehicle my son was driving when stopped in relation to this matter.

FILED

2018 JAN -5 AM 9:14

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

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Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	**Case No. CR 17-2016**
Plaintiff,	)	
v.	)	**DEFENDANT'S REPLY**
JACOB D. FARRELL,	)	
Defendant.	)	

COMES NOW the defendant, by and through his attorney, Richard Cuddihy, and Submits defendant's Reply to the State's Response.

ARGUMENT

The State's argues two issues to the Court. The State's first argument as to whether the stop of the vehicle for a window tint was lawful; fails to address that the vehicle the defendant was driving was in lawful compliance with Idaho Statute. The State argues Officer Reese made a visual determination, which was later confirmed by a tint meter that the window tint was darker than allowed by I.C. 49-944. However, the State's argument fails to address the section in the statute that provides window tinting is lawful when equipped as standard or optional equipment when new. The statute provides:

> "I.C. 49-644(5) Nothing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the windshield or windows of which are composed of, covered by, or treated with, any material, substance, system, or component with which the motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment from the manufacturer or authorized dealer under any United States government statute or regulation governing such sale at the time of manufacture."

Here, the record submitted to the Court by the parties includes the defendant's photographs and an Affidavit by the purchaser of the vehicle that clearly show the tinted window was equipped when new and originally purchased in that condition. It is well-recognized warrantless seizures and searches are presumed to be unreasonable. *See* Minnesota v. Dickerson, 508 U.S. 366, 372 (1993). The burden is on the State to establish the validity of the warrantless seizure. The State has produced no evidence in the record disputing that the window was tinted lawfully. The State argues there is no evidence in the police report, their videos or their pictures taken during the course of their investigation to suggest the window was legal. There is no evidence in the police investigation because their investigation was a sham, conducted solely with the purpose of searching the car for drugs.

Furthermore, the police reports are not part of the record before the Court here. The police failed to conduct a bona fide window tint investigation; instead the State executed a highly organized fishing expedition to search the car for drugs. Had the police investigated rear window tint, they would have found that the tinting was a standard option placed on all new vehicles of that year, make and model.

Here, the State has not met their burden to show the warrantless seizure of the defendant was lawful. The State had no reasonable suspicion to stop the vehicle. The State simply ignored their responsibility to investigate the facts in this case and conducted a sham investigation with the designed purpose to search the automobile. The defendant here has

submitted for the record photographs and evidence supporting the window tinting was in compliance with Idaho Statutes. The State has not disputed the defendant's evidence. Therefore the stop of the defendant was unlawful.

The State also argues that Officer Reese had a reasonable suspicion to stop the vehicle because the defendant was inside the vehicle with narcotics. To support their argument the State simply attaches photocopies of two unsworn police reports of Officer's Reese and Bloomsburg. The State's argument also references Detective Dammon but there is no report of Dammon attached. The defendant objects to the admission of the police reports into the record and any argument referencing police reports or Detective Dammon. The defendant asserts his right to cross-examine the witnesses and objects to any argument outside the record. The State had the opportunity to present their testimony at the suppression hearing previously scheduled in this matter. At the hearing the State waived their right to present their testimony and chose to submit their argument based upon the video.

The State argues that *State v. Bishop* establishes factors to determine if a tip is reliable. However, it is not clear specifically what information informants had provided to the police in this case since the officers did not testify. In *State v. Bishop,* 146 Idaho 804, 811-812, P.3d 1203, 1210-1211, (Ct.App. 2009) the Court found:

> "An informant's tip regarding suspected criminal activity may give rise to reasonable suspicion when it would "warrant a man of reasonable caution in the belief that a stop was appropriate." *White*, 496 U.S. at 329 (quoting *Terry*, 392 U.S. at 22) (internal quotation and alteration marks omitted). Whether a tip amounts to reasonable suspicion depends on the totality of the circumstances including the substance, source, and reliability of the information provided. *See id.* at 328-29 (noting that "an informant's 'veracity,' 'reliability,' and 'basis of knowledge'" are highly relevant factors in determining whether reasonable suspicion exists). In other words, a tip must possess adequate indicia of reliability in order to justify a *Terry* stop. *Adams v. Williams*, 407 U.S. 143, 147, 92 S. Ct. 1921, 32 L. Ed. 2d 612 (1972). The more reliable the tip, the less information required to establish reasonable suspicion. *White*, 496 U.S. at 330. Factors

> indicative of reliability include whether the informant reveals his or her identity and the basis of his or her knowledge, whether the location of the informant is known, whether the information was based on first-hand observations of events as they were occurring, whether the information the informant provided was subject to immediate confirmation or corroboration by police, whether the informant has previously provided reliable information, whether the informant provides predictive information, and whether the informant could be held criminally liable if the report were discovered to be false. *White*, 496 U.S. at 331-32; *Williams*, 407 U.S. at 146-47; *State v. Larson*, 135 Idaho 99, 101-02, 15 P.3d 334, 336-37 (Ct. App. 2000). If a tip lacks adequate indicia of reliability, police generally must engage in further investigation before conducting a *Terry* stop. *Williams*, 407 U. S. at 147.

The informant in this case is a confidential informant. Since the record is incomplete we do not know whether the tip is being giving in exchange for consideration in a criminal case or by a citizen informant. We do not whether the informant provided any of the information directly to Officer Bloomsburg or what level of hearsay the information was subsequently provided to Reese. We do not know if the informant's information is based on personal observation or if it contains multiple levels of hearsay. We do not know how fresh the information was. The Officer asserts the informant is reliable but we do not how or when this alleged reliability was established. There is no evidence in the record showing whether the police conducted an independent investigation or corroborated any of the information informants provided to them. If police had reliable, fresh information why did they not apply for a warrant? Based on the record here, it is not possible to analyze the factors outlined by the *Bishop* Court. Therefore it is not possible for this Court to find the officers had a reasonable suspicion to detain the defendant.

ORAL ARGUMENT and leave to adduce testimony is hereby requested, as no preliminary hearing was held in this matter.

DATED this 5th day of January 2018.

Richard M. Cuddihy

Richard M. Cuddihy

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 5th day of January, 2018, I caused a true and correct copy of the foregoing to be:

[X] faxed

to the following:

Nez Perce County Prosecuting Attorney
Lewiston, Idaho 83501
Fax: 208-799-3080

Stephanie Burke

A Member of the Firm

FILED

2018 JAN 17 PM 3:37

PATTY O. WEEKS
CLERK DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, v. JACOB D. FARRELL Defendant.	)	**CASE NO.** CR 17-2016 **OPINION AND ORDER ON DEFENDANT'S MOTION TO SUPPRESS EVIDENCE**

This matter came before the Court on the Defendant's Motion to Suppress Evidence. The State of Idaho was represented by Justin Coleman, Nez Perce County Prosecuting Attorney. The Defendant was represented by Richard Cuddihy, of the firm Knowlton & Miles. The matter was submitted to the Court on the briefs filed by the parties, including an attached video of the stop. The Court, being fully advised in the matter, hereby renders its decision.

FACTS AND PROCEEDINGS

The facts of this case are taken from the officer's dash cam video of the stop. On March 28, 2017, Officer Reese, of the Lewiston Police Department, was on patrol when

he initiated the stop of a silver Chevy HHR with Washington plate number ANN8251. Officer Reese identified the driver of the vehicle as Katie Seubert and the passenger as Jacob Farrell. Officer Reese explained to the occupants of the vehicle that he stopped the car because he believed the window tint was darker than permitted by law. The passenger informed Officer Reese that the vehicle was his mother's, and that the vehicle was purchased with the tint that was in place.

Officer Reese returned to his patrol car to check the driver's status and vehicle registration. At this time another officer arrived on scene. Reese explained to the second officer his concerns about the tint, and the two officers approached the vehicle with a tint meter to check the tint. Officer Reese checked both rear passenger windows and the back window of the vehicle and confirmed there were at approximately 25%, in violation of code. During this time the passenger again asserted the tint on the windows was "factory tint."

Following the investigation of the window tint, Officer Reese asked the second officer on scene to draft a citation for the driver for the tint equipment violation. While Officer Reese was asking the second officer to take over the citation paperwork, Reese was getting a drug detection canine from his patrol vehicle. Officer Reese immediately deployed the canine and the canine hit on the odor of narcotics on the passenger side of the vehicle. At that point the stop evolved into a drug investigation; the passengers were asked to exit the vehicle and Officer Reese began a search. On the passenger side of the car he located drug paraphernalia and what appeared to be a white crystalline substance. The Defendant was then placed under arrest.

ANALYSIS

The limited issue before this Court is whether Officer Reese had reasonable and articulable suspicion that the vehicle was being driven contrary to traffic laws due to his suspicion of an equipment violation based upon the darkness of the tint on the window vehicles.[1]

The Fourth Amendment to the United States Constitution protects citizens against unreasonable search and seizure. U.S. CONST. amend. IV. Evidence obtained in violation of this amendment generally may not be used as evidence against the victim of an illegal government action. *State v. Page,* 140 Idaho 841, 846, 103 P.3d 454, 459 (2004); *see also Wong Sun v. United States,* 371 U.S. 471, 485, 83 S.Ct. 407, 416, 9 L.Ed.2d 441, 453 (1963). "When a defendant moves to exclude evidence on the grounds that it was obtained in violation of the Fourth Amendment, the government carries the burden of proving that the search or seizure in question was reasonable." *State v. Bishop,* 146 Idaho 804, 811, 203 P.3d 1203, 1210 (2009); *citing State v. Anderson,* 140 Idaho 484, 486, 95 P.3d 635, 637 (2004).

A traffic stop constitutes a seizure of the vehicle's occupants and implicates the Fourth Amendment's prohibition against unreasonable searches and seizures.

> A traffic stop by an officer constitutes a seizure of the vehicle's occupants and implicates the Fourth Amendment's prohibition against unreasonable searches and seizures. *Delaware v. Prouse,* 440 U.S. 648, 653, 99 S.Ct. 1391, 1395, 59 L.Ed.2d 660, 667 (1979); *Atkinson,* 128 Idaho at 561, 916 P.2d at 1286. Under the Fourth Amendment, a traffic stop must be supported by reasonable and articulable suspicion that the vehicle is being

[1] The State's briefing also states that Lewiston Police Department detectives had been given information that Farrell and Seubert would be travelling in Lewiston with a large supply of heroin. However, these facts were not supported by the video that was entered into evidence by stipulation. No preliminary hearing was held in this case and the State did not present any officer testimony to support the facts in the brief. Therefore, the Court will only consider the issue of whether Officer Reese had a reasonable and articulable basis to stop the car based upon his observations of the dark window tint.

> driven contrary to the traffic laws or that either the vehicle or an occupant is subject to detention in connection with violation of other laws. *State v. Davis,* 139 Idaho 731, 734, 85 P.3d 1130, 1133 (Ct.App.2003). Whether the officer had the requisite reasonable suspicion to detain a citizen is determined on the basis of the totality of the circumstances, i.e., the collective knowledge of all those officers and dispatchers involved. *Wilson v. Idaho Transp. Dep't,* 136 Idaho 270, 276, 32 P.3d 164, 170 (Ct.App.2001). The reasonable suspicion standard requires less than probable cause but more than mere speculation or instinct on the part of the officer. *State v. Ferreira,* 133 Idaho 474, 483, 988 P.2d 700, 709 (Ct.App.1999).

State v. Widner, 155 Idaho 840, 843-844, 317 P.3d 737, 740-741 (Ct. App. 2013). "An officer may draw reasonable inferences from the facts in his or her possession, and those inferences may be drawn from the officer's experience and law enforcement training." *State v. Meyer*, 158 Idaho 953, 954, 354 P.3d 515, 516 (Ct. App. 2015).

The officer issued a citation to the driver for a motor vehicle equipment violation pursuant to I.C. 49-944(1)(b):

> (1) It is unlawful for any person to place, install, affix or apply any window tinting film or sunscreening device to the windows of any motor vehicle, except as follows:
>
> . . .
>
> (b) Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the front side vents, front side windows to the immediate right and left of the driver, and the rear window[.]

This section has an exception, however, for window tint that was a component of the vehicle when the motor vehicle was sold new.

> (5) Nothing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the windshield or windows of which are composed of, covered by, or treated with, any material, substance, system, or component with which the motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment from the manufacturer or authorized dealer under any United States

> government statute or regulation governing such sale at the time of manufacture.

I.C. § 49-944(5). In this case, the registered owner of the vehicle, Scott Farrell, submitted an affidavit which establishes that the window tint on the vehicle was placed there at the factory, and thus a feature of the vehicle when it was sold as new. *Affidavit of Scott Farrell.*

In the case at hand, Officer Reese had reasonable and articulable suspicion to stop the vehicle based upon his observation that the back window tint appeared dark, in violation of I.C. § 49-944. Officer Reese then investigated his observation by applying the tint meter to the window, which confirmed the tint was darker on the back window that allowed by the statute. At that point, Officer Reese directed the second officer to complete the paperwork to issue a citation. While the officer was doing so, the drug dog was deployed and immediately hit upon the odor of narcotics, which expanded the scope of the investigation to a drug investigation.

The evidence before this Court regarding the factory installation of the tint establishes that there was not a basis for the driver to be found guilty of the equipment violation infraction. However, that evidence does not negate the officer's reasonable, articulable suspicion that the tint was darker than permitted by I.C. § 49-944, and thus, basis for the traffic stop. The drug dog deployment occurred before the citation was issued in this matter—the deployment of the dog in no way expanded the duration of the stop. Once the dog hit on the odor of narcotics in the vehicle, the officer had a basis to search the vehicle. *See State v. Aguirre*, 141 Idaho 560, 563-64, 112 P.3d 848, 851-52 (Ct. App. 2005). Thus, the Defendant's motion to suppress is denied.

ORDER

The Defendant's Motion to Suppress Evidence is hereby DENIED.

IT IS SO ORDERED.

DATED this 17th day of January 2018.

JAY P. GASKILL – District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing OPINION AND ORDER ON DEFENDANT'S MOTION TO SUPPRESS was:

✓ Faxed ~~hand delivered via court ba~~sket, or

_____ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 17th day of January, 2018, to:

Rick Cuddihy
Knowlton & Miles
P O Drawer 717
Lewiston ID 83501

Justin Coleman
Nez Perce County Prosecutor
P O Box 1267
Lewiston ID 83501

PATTY O. WEEKS, CLERK

By _____
Deputy

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY EX-OFFICIO AUDITOR AND RECORDER STATE OF IDAHO

COURT MINUTES

CR-2017-0002016

State of Idaho vs. Jacob David Farrell

Hearing type: Status Conference

Hearing date: 1/18/2018

Time: 2:41 pm

Judge: Jay P. Gaskill DJ

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2017

Prosecutor: April Smith

24100 Defendant present with counsel.

24124 Mr. Cuddihy addresses the Court and this matter is partially resolved and requests status/change plea. State will be filing an Amended Information and there will be a Rule 11 and Defendant will be entering a conditional plea.

24231 Court sets status/change plea for 2-20-18 at 1:30 p.m.

24245 Court recess.

TERESA DAMMON

COURT MINUTES

CR-2017-0002016

State of Idaho vs. Jacob David Farrell

Hearing type: Change of Plea

Hearing date: 2/20/2018

Time: 2:22 pm

Judge: Jay P. Gaskill DJ

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2017

Prosecutor: Sandra Dickerson

22240	Defendant present with counsel.
22257	Mr. Cuddihy addresses Court re: continuance to work on Rule 11.
22318	Court sets change of plea for 3-6-18 at 1:30 p.m.
22328	Court recess.

TERESA DAMMON

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

Case Title: State v. Jacob Farrell

Hearing Type: Initial Arraignment + prelim

Case #: CR-2017-2016

Judge: MICHELLE M. EVANS

Clerk: Evans

Courtroom #: 2

Date: 03-06-18

Regarding amended information.

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

Start Time: 015523

Defendant present ___ With/~~Without Counsel~~ Rick Cuddihy

[X] Court advises Defendant of Rights & Charges(s) + Penalties

~~[ ] Defendant requests Public Defender & signs Affidavit of Financial Status~~

~~[ ] Judge appoints and orders ___ to represent defendant~~

Bond set $___ OR'd___ No Contact Order entered___

Next Preliminary Conference date___ @ 1:30 pm

Next Preliminary Hearing date___ @ 1:30 pm

Other:

D waived reading of the charge.
D waives preliminary hearing

~~Court~~ binds case over to District Court
Gaskill has appointed.

Recess: 015845

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

FILED

2018 MAR -6 PM 2:34

CLERK OF THE DISTRICT COURT

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, [redacted] Defendant.	CASE NO. CR2017-0002016 **AMENDED** INFORMATION

JUSTIN J. COLEMAN, Prosecutor, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that JACOB D. FARRELL is accused by this Amended Information of the following crime(s):

COUNT I
TRAFFICKING IN HEROIN, I.C. § 37-2732B(a)(6)(A), a felony.

That the defendant, JACOB D. FARRELL, on or about the 28th day of March 2017, in the County of Nez Perce, State of Idaho, did knowingly possess and/or was knowingly in actual and/or constructive possession of more than 2 grams but less than 7 grams of HEROIN, a Schedule I(c) controlled substance, or any salt, isomer, salt of an isomer thereof, or of any mixture or substance containing a detectable amount of any such substance.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

JUSTIN J. COLEMAN
Prosecutor

COURT MINUTES

CR-2017-0002016
State of Idaho vs. Jacob David Farrell
Hearing type: Change of Plea
Hearing date: 3/6/2018
Time: 2:22 pm
Judge: Jay P. Gaskill DJ
Courtroom: 1
Court reporter: Linda Carlton
Minutes Clerk: JANET
Tape Number: 1
Defense Attorney: Rick Cuddihy PD 2017
Prosecutor: Sandra Dickerson

13954 Def present for rights during St v. Helton.
State has Rule 11.
22256 Mr. Cuddihy relays Def waived his prelim and will plead to Amended Information, he does need to be arraignment on that charge. Under Rule 11 Def would plead and sentence would be held in abeyance pending appeal.
State agrees and relays under the mandatory time for incarceration and fine amount is not listed in Rule 11.
Mr. Cuddihy relays Def understands the mandatory amount of fine is $10,000.

22626 Crt addresses Amended Information.
22631 Crt advises of max penalties and fine amount.

22714 Crt q Def re rights previously stated in open court. Def understands.
22739 Def has reviewed the Information and agrees to charge.

22742 Counsel stipulates to factual basis.
22746 Crt questions Mr. Cuddihy. Mr. Cuddihy responds.
23042 State will rely on Mr. Cuddihy's recitation as this is Mr. Coleman's case.

23036 Crt questions Def. Def responds.
23223 Crt q Def re probation. Def yes in WA on a felony.
Crt advises this will violation probation in WA.
Def is aware.

23451 Def enters guilty plea to amended charge Ct 1.
23453 Crt presents comments. Crt accepts guilty plea.

23518 Crt stays sentencing and will set a review on 6/7 at 1:30 pm

23535 Mr. Cuddihy relays parties will need a Judgment of Conviction in order to file appeal. Also Def has a WDOC hold on him and he will be taken to WA after this hearing today.
Mr. Cuddihy relays Def will waive PSI, Def will most likely be in WA custody for 30 days.
23719 State has no objections to waiver.
23750 Crt advises of rights to PSI.
23845 Def waives rights.
23800 Crt accepts waiver.

Crt sets sentencing on 4/26 at 1:30 p.m. Def to keep in contact with attorney.

23828 Recess.

JANET L. KOUGH

Court Minutes

FILED

2018 MAR -6 PM 2:33

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

JUSTIN J. COLEMAN
Nez Perce County Prosecutor

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 8023

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO. CR2017-0002016 ICR 11 PLEA AGREEMENT

JUSTIN J. COLEMAN, Prosecutor, for Nez Perce County, Idaho; the Defendant, JACOB D. FARRELL, by and through said Defendant's attorney of record, RICHARD M. CUDDIHY, Attorney at Law, come before this Court and pursuant to Rule 11(f)(1), hereby submit the following plea agreement:

1. That Defendant is presently charged with:

Nature of Charge(s):	**Penalty:**
COUNT I -POSSESSION OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(c)(1), a felony	7 YEARS AND/OR $15,000.00

1. That the Defendant shall enter a **conditional** plea of guilty to the **AMENDED** charge of COUNT I - TRAFFICKING IN HEROIN, I.C. §37-2732B(a)(6)(A) a felony; which carries a **MANDATORY** minimum penalty of: three (3) years and $10,000.00; and a maximum penalty of: LIFE and/or $100,000.00. The Defendant acknowledges that the plea is voluntary and did not result from force, threats, or promises, other than any promise made in this Plea Agreement;
2. That the Defendant shall be sentenced to three (3) years fixed, two (2) years indeterminate, for not more than five (5) years with said sentence being IMPOSED;
3. That restitution shall be paid in the amount of Two Hundred Dollars ($200.00) to be paid to the ISP-Drug and Drunk Driving Account for the testing of the controlled substance and shall be held jointly and severally liable with the co-defendant, Katie A.T. Seubert under Nez Perce County Case No. CR2017-0002192;
4. All other terms and conditions of sentencing shall be left to the discretion of the Court; including but not limited to the terms of probation;
5. The parties have entered into discussions regarding the disposition of the foregoing case, and are of the joint opinion that the terms and conditions set forth above are in the interest of justice;
6. The parties understand and agree that the Court may accept or reject this Plea Agreement pursuant to Rule 11(f)(1)(3) and (4) of the Idaho Criminal Rules. Should the Court reject the plea agreement, the

Defendant shall have the right to withdraw from the Plea Agreement, withdraw his plea of guilty, and proceed to trial on the counts presently charged in the Information;

7. The Defendant states that he is aware of his absolute right to plead not guilty and persist in that plea, that he has a right to be tried by a jury, and at that trial, has a right to the assistance of counsel; that at trial, he has the right to require the State to prove the entire case against him beyond a reasonable doubt, that he has a right not to testify against himself or not be compelled to incriminate himself. Further, at trial, he would have the right to confront and cross examine witnesses on his own behalf, that he has been advised of the defenses he may have to the charge contained in the Information, and the consequences of entering a guilty plea;

8. The Defendant understands that by pleading guilty, he waives the right to a trial by a jury, that, should the court accept this plea agreement, no trial will in fact be held. The Defendant understands further that, by pleading guilty, he waives his right to confront and cross examine witnesses against him, and to call witnesses in his own behalf, and that he waives his right to remain silent about the charges contained in the Information;

9. The Defendant understands that he has a right to appeal the judgment and sentence of the Court herein, and the right to seek a modification or reduction of sentence under Idaho Criminal Rule 35(b), and in exchange for the State's concessions in this Plea Agreement, the

Defendant hereby freely and voluntarily waives Defendant's right to appeal any sentence that is imposed in accordance with the agreed upon terms of this agreement and his right to seek a sentence modification under I.C.R. 35(b);

10. The Defendant agrees to provide all material financial and other information as may be requested by a representative of the State of Idaho Department of Corrections, Probation and Parole Department for use in preparing a Presentence Report. The Defendant acknowledges that he has a Fifth Amendment Right against self-incrimination during the presentence investigation process. By entering into this Plea Agreement, Defendant hereby waives his right to remain silent about the charges contained in the Information in respect to the presentence investigative report;

11. The Defendant and his counsel both state that this agreement constitutes the entire agreement between the Defendant and the State of Idaho and that no other promises or inducements have been made, directly or indirectly, by any agent of the State of Idaho, including the Nez Perce County Prosecuting Attorney, or any of his deputies, concerning any plea to be entered in this case. In addition, the Defendant states that no person has, directly or indirectly, threatened or coerced the Defendant to do, or refrain from doing, anything in connection with any aspect of this case, including entering a plea of guilty;

12. The Defendant states he has read this Agreement or, that he has had this Agreement read to him, that he has discussed this Agreement with his attorney, that he understands this agreement and the terms within, and that he has had sufficient time to discuss this case with his attorney, and that he understands the consequences of pleading guilty;

13. The above Agreement is null and void if the Defendant fails to keep any promise made in this Agreement, including but not limited to: make an appearance at the presentence appointment, sex offender evaluation appointment, sentencing, if the failure to appear is without good cause, or commits a new crime. Defendant agrees that if Defendant fails to keep any promise made in this Agreement, Defendant gives up: 1) the right not to be placed twice in jeopardy for the offense(s) to which Defendant entered a plea of guilty or which were dismissed under this Agreement; 2) any right under the Constitution laws of the United States and or the State of Idaho to be charged or tried in a more speedy manner for any charge that is brought as a result of defendant's failure to keep this Agreement; and 3) the right to be charged within the applicable statute of limitations period for any charge that is brought as a result of Defendant's failure to keep this Agreement, and on which the statute of limitations expired after Defendant entered into this agreement. In such case, the Court may sentence the Defendant at the Court's discretion and

Defendant shall not be given back his plea of guilty (if Agreement is under 11d1B).

DATED this _____ day of February 2018.

JUSTIN J. COLEMAN
Prosecutor

RICHARD M. CUDDIHY,
Attorney for Defendant

JACOB D. FARRELL
Defendant

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing ICR 11 PLEA AGREEMENT was hand delivered via court basket

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy
KNOWLTON & MILES, PLLC
312 17th Street
P.O. Drawer 717
Lewiston, ID 83501

DATED this 7 day of ~~February~~ March 2018.

SHELLY L. DAMATO
Executive Sr. Legal Assistant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, D.O.B.: 07-07-1994, S.S.N.: XXX-XX-X248, Defendant.	CR-2017-2016 ORDER BINDING OVER

The defendant having **WAIVED** the Preliminary Hearing in the above entitled matter on this 6th day of March, 2018 and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that said defendant be and hereby is bound over to District Court for trial on the charge(s) of: TRAFFICKING IN HEROIN, I.C. §37-2732B(a)(6)(A), ONE FELONY COUNT.

DATED this 7th day of March, 2018.

MAGISTRATE

CASE HAS BEEN ASSIGNED TO: DISTRICT COURT JUDGE – JAY P. GASKILL

Filed: May 01, 2018 at 10:25 AM.
Second Judicial District, Nez Perce County
By: *Teresa Dammon* Deputy Clerk

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

State of Idaho
vs.
Jacob David Farrell

Case No. CR-2017-2016

Court Minutes

JUDGE: Gaskill, Jay P.
DATE: April 26, 2018
CLERK: Teresa Dammon
LOCATION: Courtroom 1
HEARING TYPE: Sentencing
COURT REPORTER: Linda Carlton

Parties Present:

State of Idaho	Attorney:	April Smith
Jacob David Farrell	Attorney:	Richard M. Cuddihy

Hearing Start Time: 2:39 PM

Journal Entries:
- 23950 Defendant present with counsel.
24129 Mr. Cuddihy addresses the Court.
24230 Court will strike paragraph 9 from the Rule 11.
24304 Department of Corrections 3-5 years, restitution $200 joint/several with Katie Seubert CR17-2192, court costs $285.50 and reimburse pd fund $500.00 and mandatory minimum fine $10,000.00. Court stays sentence pending appeal.
24409 Court recess.

Hearing End Time: 02:44 PM

Instrument # 858594
NEZ PERCE COUNTY
6-13-2018 12:54:40 PM No. of Pages: 2
Recorded for : NEZ PERCE COUNTY DIST COURT
PATTY WEEKS Fee: 0.00
Ex-Officio Recorder Deputy Cindy S. Ocampo
Index to: JUDGMENTS

Filed:04/30/2018 11:51:16
Second Judicial District, Nez Perce County
Patty O. Weeks, Clerk of the Court
By: Deputy Clerk - Dammon, Teresa

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, Plaintiff, vs. JACOB D. FARRELL, Defendant.	CASE NO CR2017-0002016 ORDER FOR RESTITUTION AND JUDGMENT

IT IS HEREBY ORDERED that the above-named Defendant shall be held jointly and severally liable with Katie A.T. Seubert, Nez Perce County Case No. CR2017-0002192, and pay restitution to ISP-Drug and Drunk Driving Account, in the amount of $200.00.

This Order constitutes a civil judgment in favor of ISP-Drug and Drunk Driving Account and against the above-named Defendants and accrues interest at the statutory rate specified for civil judgments. After FORTY-TWO (42) days from the entry of the order of restitution or at the conclusion of a hearing to reconsider an order of restitution, whichever occurs later, an order of restitution may be recorded as a judgment and the victim may execute as provided by law for civil judgments.

IT IS SO ORDERED.

DATED this 30 day of April 2018.

JUDGE

Signed: 4/30/2018 08:29 AM

1/2

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing, Order For Restitution and Judgment,

(1) _____ hand delivered, or

(2) _____ hand delivered via court basket, or

(3) _____ sent via facsimile, or

(4) _ ✓ _ emailed, or

(5) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Nez Perce County Prosecutor's Office
1221 F Street
Lewiston, ID 83501
npcpros@co.nezperce.id.us

Richard M. Cuddihy
KNOWLTON & MILES, PLLC
312 17th Street
P.O. Drawer 717
Lewiston, ID 83501
rickcuddihy@gmail.com

DATED this 30th day of April 2018.

CLERK OF THE COURT

_____
Deputy

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY
EX-OFFICIO
AUDITOR AND RECORDER
STATE OF IDAHO

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY
EX-OFFICIO
AUDITOR AND RECORDER

I, Patty O. Weeks, Clerk of the above entitled Court do hereby certify the foregoing to be a full true and correct copy of the original _____ in the above entitled cause as the same now appears on file and of record in my office.
WITNESS my hand and official seal this 4/30/18
PATTY O. WEEKS, Clerk
By _____
Deputy

2/2

Filed:05/07/2018 09:44:00
Second Judicial District, Nez Perce County
Patty O. Weeks, Clerk of the Court
By: Deputy Clerk - Kough, Janet

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
Plaintiff,	)	CASE NO. CR2017-02016
vs.	)	JUDGMENT OF CONVICTION
JACOB D. FARRELL, [redacted]	)	
Defendant.	)	

The above-named defendant, on April 26, 2018, was present for sentencing represented by Richard Cuddihy and April Smith present on behalf of the State of Idaho, after having been previously arraigned in Court upon the charge of TRAFFICKING IN HEROIN, Idaho Code §37-2732B(a)(6)(A), a felony, committed on or about March 28, 2017.

Defendant was duly informed by the Court of the nature of the charge and entered a plea of guilty. No sufficient cause being shown or appearing to the Court, the defendant was advised of the maximum and minimum punishment, right to a trial by jury, right to confront witnesses, the

nature of the charge, whether the plea was a result of a plea bargaining and of what that agreement consisted, and that the Court is not bound by any promise or recommendation by either party as to punishment.

The Court hereby finds that the defendant understands the nature of the offense, and the consequences of the plea of guilty; that there is a factual basis for the plea of guilty; that the guilty plea was freely and voluntarily made; and that the defendant freely and voluntarily waived these rights in the above-captioned matter.

Defendant waived Presentence Investigation.

The Court rendered its judgment as follows:

WHEREAS, the defendant, was duly convicted of the above-mentioned crime, by Defendant's plea of guilty;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the Crime TRAFFICKING IN HEROIN, Idaho Code § 37-2732B(a)(6)(A), a felony, and that Defendant is SENTENCED to the custody of the IDAHO STATE BOARD OF CORRECTION, Boise, Idaho, for a period of not less than THREE (3) years, nor more than FIVE (5) years, consisting of a minimum period of confinement of THREE (3) years during which the defendant shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct (except as provided by Section 20-101D, Idaho Code) and a subsequent indeterminate period of custody not exceeding TWO (2) years.

The sentence in this matter shall be stayed pending appeal.

That Defendant shall pay court costs in the amount of $285.50, pay a fine in the amount of $10,000.00 and reimburse the Nez Perce County Public Defender Fund in the amount of

$500.00, for a total of $10,785.50. That payments shall be mailed to Clerk of the Court, P O Box 896, Lewiston, Idaho 83501; and,

That Defendant shall next make restitution to the victim(s), in the sum of $200.00 joint and severally liable with Katie Seubert CR2017-2192.

That all restitution payments for victims as set forth above MUST be paid in the form of a CASHIERS CHECK or MONEY ORDER, made payable to: NEZ PERCE COUNTY VICTIM'S FUND and mailed to the NEZ PERCE COUNTY DISTRICT COURT, Post Office Box 896, Lewiston, Idaho 83501. There will be NO exceptions to the above requirements; and,

NOTICE OR RIGHT TO APPEAL

YOU, **JACOB D. FARRELL**, ARE HEREBY NOTIFIED that you have a right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within the time provided by law.

DATED this 7 day of May, 2018 nunc pro tunc for April 26, 2018.

JAY P. GASKILL-District Judge Signed: 5/7/2018 08:50 AM

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing JUDGMENT OF CONVICTION was:

___✓___ emailed, or

_____ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this ___7__ day of May, 2018, to:

Rick Cuddihy
P O Drawer 717
Lewiston ID 83501
rickcuddihy@gmail.com

Prosecuting Attorney
P.O. Box 1267
Lewiston ID 83501
NPCPros@co.nezperce.id.us

EMAILED TO: CCDSentencingteam@idoc.idaho.gov; centralrecords@idoc.idaho.gov and dchurch@idoc.idaho.gov

PATTY O. WEEKS, CLERK

By_____
Deputy

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY
EX-OFFICIO
AUDITOR AND RECORDER
STATE OF IDAHO

Electronically Filed
5/15/2018 1:08 PM
Second Judicial District, Nez Perce County
Patty Weeks, Clerk of the Court
By: Jenny Landrus, Deputy Clerk

Richard M. Cuddihy, ISB No: 7064
KNOWLTON & MILES, PLLC
312 Seventeenth Street
Post Office Drawer 717
Lewiston, Idaho 83501
Telephone: (208) 746-0103
Fax: (208) 746-0118

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
	)	**Case No. CR 17-2016**
Plaintiff/Respondent,	)	
	)	
vs.	)	
	)	**NOTICE OF APPEAL**
JACOB FARRELL,	)	
	)	
Defendant/Appellant.	)	
	)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND ITS ATTORNEYS, JUSTIN COLEMAN, POST OFFICE BOX 1267, LEWISTON, IDAHO 83501, AND LAWRENCE WASDEN, ATTORNEY GENERAL, POST OFFICE BOX 83720, BOISE, IDAHO, 83720-0010, AND TO THE CLERK OF THE COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, Jacob Farrell, appeals against the above-named respondent to the Idaho Supreme Court from the Order denying defendant's motion to suppress in the above-entitled action filed on the 17th day of January, 2018, and the Judgment of Conviction filed on May 7, 2018, by the Honorable Judge Gaskill, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court and the judgments or orders described in paragraph 1 above are subject to appeal pursuant to Idaho Appellate Rules 11(c)(1), (6).

3. A preliminary statement of the issues which the appellant may assert on appeal is as follows:

a. That the District Court erred denying defendant's motion to suppress.

4. Is a reporter's transcript requested? No

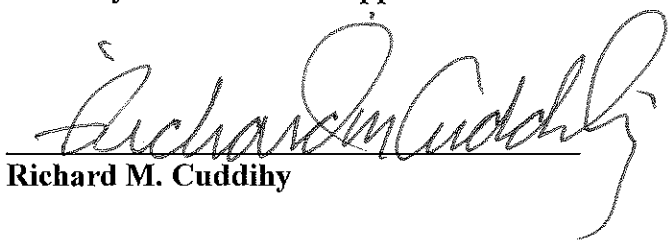
5. The appellant requests the following documents to be included in the Clerks record in addition to those automatically included under Rule 28, I.A.R.

6. I certify:

a. That a copy of this Notice of Appeal was served on the court reporter.
b. That the appellant is exempt from paying the estimated transcript fee because appellant is indigent, without funds.
c. That the appellant is exempt from paying the estimated fee for the preparation of the record because appellant is indigent, without funds.
d. That appellant is exempt from paying the appellant filing fee because appellant is indigent, without funds.
e. That service has been made upon all parties required to be served pursuant to Rule 20 and the Attorney General of the State of Idaho pursuant to Idaho Code §67-1401(1).

DATED this 15th day of May, 2018.

Attorney for Defendant/Appellant



Richard M. Cuddihy

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 15th day of May, 2018, I caused a true and correct copy of the foregoing **Notice of Appeal** to be delivered as follows:

[X] emailed/iCourts

Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, Idaho 83501
Email: npcpros@co.nezperce.id.us

[X] Mailed to:

Nancy K. Towler
235 Larkspur Lane
Lewiston, ID 83501

Attorney General
Post Office Box 83720
Boise, Idaho 83720-0010

State Appellate Public Defender
3647 N. Harbor Lane
Boise, Idaho 83703-6914

Stephanie Burke
A Member of the Firm

Electronically Filed
5/15/2018 1:08 PM
Second Judicial District, Nez Perce County
Patty Weeks, Clerk of the Court
By: Jenny Landrus, Deputy Clerk

Richard M. Cuddihy ISB NO. 7064
KNOWLTON & Miles, PLLC
312 Seventeenth Street
Post Office Drawer 717
Lewiston, Idaho 83501
Telephone: (208) 746-0103
Fax: (208) 746-0118

Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
	)	**Case No. CR 17-2016**
Plaintiff,	)	
	)	
vs.	)	**MOTION TO APPOINT STATE APPELLATE PUBLIC DEFENDER**
	)	
JACOB FARRELL,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the above-named Defendant, by and through his Attorney of record, Richard M. Cuddihy, and hereby moves the Court to appoint the Office of the State Appellate Public Defender to represent the above named Defendant in his pending appeal to the Idaho Supreme Court/Court of Appeals, as the Defendant has been declared indigent and is currently represented by a Court Appointed Public Defender. This Motion is based on the records and files of this case.

DATED this 15th day of May, 2018.

Richard M. Cuddihy

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 15th day of May, 2018., I caused a true and correct copy of the foregoing **Motion to Appoint State Appellate Public Defender** to be:

[X] Emailed/iCourts to:

Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, Idaho 83501
Email: npcpros@co.nezperce.id.us

[X] Mailed to:

State Appellate Public Defender
3647 N. Harbor Lane
Boise, Idaho 83703-6914

Attorney General
Post Office Box 83720
Boise, Idaho 83720-0010

Jacob Farrell
1145 University Street
Clarkston, WA 99403

Stephanie Burke
A member of the firm

Filed:05/16/2018 11:35:29
Second Judicial District, Nez Perce County
Patty O. Weeks, Clerk of the Court
By: Deputy Clerk - Davenport, Brittany

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
	)	**Case No. CR 17-2016**
Plaintiff,	)	
	)	
vs.	)	**ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER**
	)	
JACOB FARRELL,	)	
	)	
Defendant.	)	
	)	

After reviewing the records and files herein and after considering the Motion to Appoint State Appellate Public Defender and being fully advised in the premises.

IT IS HEREBY ORDERED that the Office of the State Appellate Public Defender is appointed to represent the above named Defendant in the pending appeal to the Idaho Supreme Court/Court of Appeals.

IT IF FURTHER ORDERED that Richard M. Cuddihy of Knowlton & Miles, PLLC, shall continue to represent the above-named in all other aspects of this case, subject to the further order of this court.

DATED this 16 day of May, 2018.

Judge

Signed: 5/16/2018 10:45 AM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2018, I caused a true and correct copy of the foregoing to be delivered to the following:

[X] Mailed to the following:

State Appellate Public Defender
~~**3647 N. Harbor Lane**~~
Boise, Idaho 83703-6914
322 East Front St Suite 570
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Signed: 5/17/2018 04:04 PM

Clerk of the District Court

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

State of Idaho Plaintiff-Respondent, vs. Jacob David Farrell Defendant-Appellant.	Supreme Court No. 46095 District Court No. CR-2017-2016 CERTIFICATE OF EXHIBITS

I, Brittany Davenport, Deputy Clerk of the District Court of the Second Judicial District of the State of Idaho in and for the County of Nez Perce, do hereby certify:

There were no exhibits offered for identification or admitted into evidence during the course of this action.

It should be noted, that all original exhibits will be retained at the district court clerk's office and will be made available for viewing upon request.

I FURTHER CERTIFY that the following documents will be submitted as EXHIBITS to the Record.

1. DVD of Video from the Stop (Exhibit B attached to State's Response to Defendant's Motion to Suppress, filed 12/27/2017.

IN WITNESS, I have set my hand and affixed the seal of the said Court on this the 8th day of August, 2018.

PATTY WEEKS
Clerk of the Court

Signed: 8/8/2018 11:42 AM

By:_____
Deputy Clerk

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

State of Idaho vs. Jacob David Farrell	Case No. CR-2017-2016 Clerk's Certificate of Service

I, Brittany Davenport, Deputy Clerk of the District Court of the Second Judicial District, of the State of Idaho, in and for the County of Nez Perce, do hereby certify that the above and foregoing Record in the above entitled cause was electronically compiled at my direction, and is a true, full and correct Record of the pleadings and documents as requested by the parties.

I further certify that I have caused to be served the Clerk's Record, along with copies of ☐ all Exhibits offered or admitted; ☒ No Exhibits submitted; ☐ Pre-sentence Investigation (Waived), or ☐ Other Confidential Documents; or ☒ Exhibit to the Record (DVD of State's Exhibit B as attached to State's Response to Defendant's Motion to Suppress), to each of the Attorneys of Record or Parties in this case as follows:

CERTIFICATE OF SERVICE

I certify that on August 08, 2018, I served a copy of the attached to:

Mr. Lawrence G. Wasden Attorney General PO Box 83720 Boise, ID 83720-0010	[x] Mailed via USPS Priority Mail
Mr. Eric D. Fredericksen State Appellate Public Defender 322 East Front Street Suite 570 Boise, ID 83702	[x] Mailed via USPS Priority Mail

Dated: 08/08/2018

Patty Weeks
Clerk of the Court

By: *Brittany Davenport*
Deputy Clerk

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY
EX-OFFICIO
AUDITOR AND RECORDER
STATE OF IDAHO